



GEORGIA STATE SENATE

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2021 SESSION OF THE GEORGIA GENERAL ASSEMBLY

LEGISLATION PASSED

This document is a comprehensive report of all legislation passed by the 2021 Georgia General Assembly, with the exception of local legislation. Each bill is indexed by the assigned standing Senate committee through which it was favorably reported with a brief synopsis containing the primary sponsors and effective date. If further detail is needed on any bill, please contact the Senate Research Office to request the formal summary and analysis.

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AGRICULTURE AND CONSUMER AFFAIRS

Senate Bill 195

Regulation of Low THC Oil and Products; Exempts Federal Food and Drug Administration (“FDA”) Approved Drugs from “Low THC Oil” Definition

Sponsor: Senator Mullis of the 53rd and Representative Corbett of the 174th

Effective Date: July 1, 2021 (Signed on May 3, 2021; Act 141)

Senate Bill 195 focuses on two main areas: treatment of drugs approved by the FDA, including Epidiolex, and the regulation of Low THC Oil and Products.

FDA Approved Drugs

First, the bill removes products approved by the FDA from the definition of “low THC oil” and “marijuana”, provides that “tetrahydrocannabinols” do not include products approved by the FDA, and removes Epidiolex from the list of Schedule V controlled substances.

Regulatory Framework Governing “low THC oil” and Products

Secondly, the bill addresses the Regulatory Framework Governing low THC oil. It allows products containing low THC oil delivered through oils, tinctures, transdermal patches, lotions, and capsules to be produced and distributed. Additionally, it expands the powers and duties of the Georgia Access to Medical Cannabis Commission (“GAMCC”) and alters the powers and duties of the University System of Georgia, state Board of Pharmacy, and the GBI relating to the regulation and distribution of low THC oil and products.

Regarding licensing, the bill requires the GAMCC to issue retail licenses to holders of Class 1 and Class 2 production licenses and allows the GAMCC to establish fees for dispensing licenses commensurate with the location of the retail outlet and demand for low THC oil. Further, it establishes that the GAMCC is authorized to issue five dispensing licenses to each Class 1 production licensee and each Class 2 production licensee for retail outlets to dispense low THC oil and products to registered patients and requires the GAMCC to ensure that dispensing licenses are dispersed throughout the state. It also authorizes the GAMCC to issue one additional dispensing license to each Class 1 and Class 2 production licensee when the Low THC Oil Patient Registry reaches 25,000 patients and for every increase of 10,000 patients thereafter.

Several sections of the bill address regulation of disclosures, financing, and location. In so doing, the bill provides for the disclosure and nondisclosure of certain information to the Medical Cannabis Commission Oversight Committee; changes surety bonding, banking, and competitive application procedure for Class 1 and Class 2 production licenses; and provides for an exception to minimum distance requirements from schools and places of worship for dispensing low THC oil and products.

In addition, the bill amends the restriction on physicians from having a financial interest in the low THC oil business, and exempts from prosecution employees, contractors, and agents of a licensee engaged in production, distribution, or sale of low THC oil and products.

Senate Bill 222

Designating the Pecan as the Official State Nut

Sponsor: Senator Summers of the 13th and Representative Williams of the 148th

Effective Date: July 1, 2021 (Signed on April 9, 2021; Act 13)

The bill recognizes the importance of the pecan to Georgia and designates the pecan as the official state nut of Georgia.

Senate Bill 247

Agricultural Commodity Commission Marketing Orders; Removes Terms of Office for Georgia Seed Development Commission

Sponsor: Senator Anderson of the 24th and Representative Meeks of the 178th

Effective Date: July 1, 2021 (Signed on May 7, 2021; Act 262)

The bill provides that public hearings regarding market orders can take place in person or remotely. It also changes the notice requirements for public hearings and notice requirements to handlers of

agriculture who may be directly affected, so that they will no longer be published in a newspaper of general circulation published in the capital of the state but will instead be found in The Farmers Consumers Market Bulletin or similar publication.

Concerning marketing orders, the bill removes the oath requirement for testimony in public comment and instead requires that hearings and all testimony be public. It also revises procedures for issuing, amending, and renewing marketing orders.

Lastly, it removes O.C.G.A. 2-4-7, relating to terms of office of appointed members of the Georgia Seed Development Commission because these terms are also listed in another section of the Code.

House Bill 153

Fair Business Practices Act of 1975; Adds Solicitations for Corporate Filings

Sponsor: Representative Wiedower of the 119th and Senator Walker of the 20th

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 231)

The bill requires that any written solicitation for services relating to corporate filings must include, in 16 point Helvetica font or larger, at the top of and at least two inches apart from any other text on the solicitation:

“THIS IS A SOLITICITATION. THIS IS NOT A BILL OR OFFICIAL GOVERNMENT DOCUMENT AND HAS NOT BEEN SENT BY THE GEORGIA SECRETARY OF STATE’S OFFICE”

Additionally, the bill prohibits any other text on the solicitation from being larger than the notice listed above. Failure to comply with this requirement will be considered an unfair or deceptive act or practice and punishable by other provisions of the Fair Business Practices Act.

House Bill 336

Hemp Revisions; Processor Definition; Changes to Surety Bond and Processor Permit Fee Requirements

Sponsor: Representative Corbett of the 174th and Senator Mullis of the 53rd

Effective Date: Upon Governor’s Approval (Signed on May 7, 2021; Act 261)

The bill revises the definition of “processing” in relation to hemp so that the traditional farming practices of drying, shucking and bucking, storing, trimming, and curing are not included. Additionally, the bill makes it unlawful for any person to cultivate or handle hemp in any structure that is used for residential purposes.

The bill removes the requirement that processor permittees and grower licensees have a written agreement, provide the names of agreement parties to the Department of Agriculture, and show an affidavit supporting the existence of a written agreement between a processor and a grower.

The bill also raises the surety bond requirement for hemp processor permittees from \$100,000 to a fee set by the Commissioner of Agriculture not to exceed an amount equal to 2 percent of the amount of hemp purchased from licensees by the permittee in the most recent calendar year, and not less than \$300,000 nor more than \$1,000,000 and sets the annual processor permit fee at \$25,000.

House Bill 676

Farmers’ Markets Legislative Advisory Committee

Sponsor: Representative Houston of the 170th and Senator Walker of the 20th

Effective Date: Upon Governor’s Approval (Signed on May 4, 2021; Act 204)

The bill provides for a legislative advisory committee on farmers’ markets, including the composition of membership, the election of a chairperson and vice-chairperson, member allowances, and advisory committee tasks. The bill provides that the legislative advisory committee will be repealed on January 10, 2027.

House Bill 693

Farm Tractors on the Highway

Sponsor: Representative Meeks of the 178th and Senator Anderson of the 24th

Effective Date: July 1, 2021 (Signed on April 9, 2021; Act 14)

The bill prohibits farm tractors from travelling upon highways. It also provides that farm tractors or implements may be operated on any state or local roadway in this state if the operator displays an emblem to operate a slow-moving vehicle or a three-wheeled motorcycle used for agricultural purposes on a public road and has taken reasonable steps to reduce the width of the farm tractor or implement. The bill provides for circumstances when the operator of a farm tractor or implement must yield to other traffic, and provides for circumstances when other traffic must yield to the operator of a farm tractor or implement. Lastly, it establishes that operators of farm tractors and implements are not relieved from the duty to drive with due regard for the safety of all persons using the roadway.

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APPROPRIATIONS

House Bill 80

Supplemental Appropriations for State Fiscal Year July 1, 2020 - June 30, 2021

Sponsors: Speaker Ralston of the 7th and Senator Tillery of the 19th

Effective Date: Upon Governor's Approval (Signed on February 15, 2021; Act 2)

Please contact the Senate Budget and Evaluation Office for details.

House Bill 81

General Appropriations for State Fiscal Year July 1, 2021 - June 30, 2022

Sponsors: Speaker Ralston of the 7th and Senator Tillery of the 19th

Effective Date: Upon Governor's Approval (Signed on May 10, 2021; Act 305)

Please contact the Senate Budget and Evaluation Office for details.

House Resolutions 24, 25, 26

Compensating Dominic Brian Lucci, Mark Jason Jones, and Kenneth Eric Gardiner

Sponsors: Representative Mallow of the 163rd and Senator Watson of the 1st

Effective Date: July 1, 2021 (Signed on May 10, 2021; Acts 293, 294, 295, respectively)

Each resolution authorizes and directs the Department of Administrative Services (DOAS) to pay a sum of \$1,000,000.000 each to Dominic Brian Lucci (HR 24), Mark Jason Jones (HR 25) and Kenneth Eric Gardiner (HR 26) as compensation for serving over 25 years in prison as a result of being wrongfully convicted. On November 18, 1992, Mr. Lucci, Jones, and Gardiner were each convicted of malice murder and possession of a firearm during the commission of a crime, and sentenced to life plus five years in prison. On November 2, 2017, the Georgia Supreme Court overturned their convictions in a unanimous decision after determining the outcome of the trial would likely have been different if the exculpatory evidence had not been withheld from their defense attorneys.

Each resolution provides that such compensation is to be paid in the form of an annuity in equal monthly installments over a 20 year period beginning one year after an initial lump sum payment of \$50,000.00, and shall be paid from funds appropriated to or available to DOAS.

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BANKING AND FINANCIAL INSTITUTIONS

House Bill 90

Limiting Certain Causes of Action and Damages for Conversion of Timber against a Buyer in the Ordinary Course of Business who Purchases Cut Timber

Sponsors: Representative Williamson of the 115th and Senator Kennedy of the 18th

Effective Date: July 1, 2021 (Signed on May 7, 2021; Act 255)

Under current law, a person holding legal title to land or a security interest in land can recover against anyone who, without the consent of the owner, converts any trees growing on such land that are bought, sold, cut, removed, held, disposed of, changed in form for the value of such trees and attorney's fees. Recovery can also be had from one who purchases, without the consent of the owner, such interest in trees, mineral or other rights, or interest in the encumbered real estate. This bill provides actions for the above are not subject to the treble damages available under current law for timber cut and carried away. This bill provides that, notwithstanding any other provision of law, a buyer in the ordinary course of business of buying cut timber is not liable for the above causes of action.

House Bill 111

Code Revisions in Title 7 (Concerning Banks, Credit Unions, and Other Financial Institutions)

Sponsors: Representative Williamson of the 115th and Senator Kennedy of the 18th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 174)

This bill makes numerous changes throughout Title 7, concerning banks, credit unions, and other financial institutions. Major changes include revising rules regarding mergers of banks and credit unions, implementing changes to shareholder and member meetings to provide for remote participation in meetings under certain circumstances, and avoiding duplicative review of financial institutions that are already regulated by federal authorities.

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ECONOMIC DEVELOPMENT AND TOURISM

Senate Bill 255

Border Region Retail Tourism Development Program

Sponsors: Senator Mullis of the 53rd and Representative Stephens of the 164th

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 249)

This bill creates the Border Region Retail Tourism Development Program within the OneGeorgia Authority to award grants to induce businesses to, or assist businesses that intend to, relocate, expand, or construct projects in Georgia, rather than a bordering state. The Authority will determine the Program's grant amounts on a case-by-case basis. All applications for the Program's grants must include a recommendation from a state agency whose statutory powers and duties include community and economic development. Under this bill, after reviewing an application, the Authority must submit any pending grant award to the Governor and the Commissioner of Economic Development for approval before the grant is awarded.

House Resolution 248

Savannah Logistics Technology Innovation Corridor

Sponsors: Representative Stephens of the 164th and Senator Watson of the 1st

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 300)

This resolution designates the Savannah Logistics Technology Innovation Corridor as an official technology innovation corridor in Georgia. The Savannah Logistics Technology Innovation Corridor is composed of all of Chatham, Bryan, Effingham, Bulloch, Liberty and Screven Counties.

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EDUCATION AND YOUTH

House Bill 287

Mandatory Instruction Regarding Tobacco and Vapor Products, Human Trafficking

Sponsor: Representative Rich of the 97th and Senator Kirkpatrick of the 32nd

Effective Date: July 1, 2021 (Signed on April 27, 2021; Act 30)

Current law requires the State Board of Education to prescribe, and local boards of education to implement, mandatory courses of instruction to discourage the use of alcohol and drugs. This bill requires the State Board of Education to add tobacco and vapor products to topics covered in such courses and prescribe a minimum course of study no later than July 1, 2021. The bill requires local boards to implement such minimum course of study or its equivalent no later than December 31, 2021. Additionally, the bill requires the State Board of Education to prescribe a course of study on human trafficking awareness for grades six through 12, which may be included in health and physical education courses.

Senate Bill 20

Child Advocate Advisory Committee

Sponsor: Senator Payne of the 54th and Representative Ballinger of the 23rd

Effective Date: July 1, 2021 (Signed on May 3, 2021; Act 136)

There are currently seven members of the Child Advocate Advisory Committee. Members include one representative of a non-profit children's agency; one representative of a for-profit children's agency; one pediatrician; one social worker; one psychologist; one attorney from the Children and the Courts Committee of the State Bar of Georgia; and one juvenile court judge. This bill adds three new members to the Committee, including one current or former foster parent; one former foster child who reached the age of majority or graduated from high school while still in the Georgia foster care system; and one individual who has served for at least three years as a court appointed special advocate. These members will be appointed by the Governor, Lieutenant Governor, and Speaker of the House of Representatives, respectively.

Senate Bill 42

Dexter Mosely Act; Discipline Data Reporting Requirements

Sponsor: Senator Mullis of the 53rd and Representative Carson of the 46th

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 245)

This bill requires each local school system to publish electronically the reported information regarding student disciplinary and placement actions pursuant to Code Section 20-2-740. The publication must include such reported information for each school in the local school system and must be in a format that can be easily understood by parents and other members of the community who are not educators. The bill also provides that discipline data must be included in the annual report made to the Department of Education evaluating progress made on performance indicators.

This bill also incorporates the "Dexter Mosley Act," which allows home study students to participate in extracurricular activities and interscholastic activities under the sponsorship, direction, and control of the student's resident school or resident school system, provided that certain requirements are met.

Senate Bill 47

Georgia Special Needs Scholarship Updates

Sponsor: Senator Gooch of the 51st and Representative Wade of the 9th

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 243)

Under current law, parents of students with Individualized Education Programs (IEPs) are notified of options available under the Georgia Special Needs Scholarship program and may choose to enroll their student at a different public or private school that best fits their needs. This bill expands the scholarship program to children with qualifying conditions who become eligible for accommodations under Section 504 of the federal Rehabilitation Act of 1973. The bill provides a list of the conditions which, at a minimum, must be identified by the Board for the purpose of qualifying for the program. The Department of Education must develop a verification process for eligible 504 Plan students. Under current law, a student must satisfy certain requirements to qualify for the scholarship program, including residency and prior enrollment criteria. This bill expands the prior enrollment criteria and adds new exemptions to this requirement for students who were adopted or placed in a permanent

guardianship from foster care pursuant to a court order within the previous year, or previously qualified for the scholarship program. This bill revises the maximum scholarship amount granted to an amount equivalent to the cost of the educational program in the resident school system, and if the student has an IEP, based upon services specified within the IEP in place at the time of the most recent enrollment count. Further, GaDOE must provide parents with actual scholarship amounts upon appropriation of state funds to GaDOE for disbursement.

Senate Bill 59

Updates for Charter School Funding

Sponsor: Senator Albers of the 56th and Representative T. Jones of the 25th

Effective Date: Section 2 will become effective on July 1, 2022. All other sections will become effective on July 1, 2021. (Signed on May 4, 2021; Act 158)

This bill extends the QBE funding currently provided for charter systems to local charter schools and requires the State Board of Education to directly allocate such funds to local charter schools. Additionally, the bill requires local school systems to directly allocate federal funds to local charter schools. It also provides that local school systems and charter schools may collaborate and agree upon specific ways for some or all of the charter school's federal funds to be provided by the local school system through in-kind services, with the terms of such agreement to be included in the charter. Finally, the bill provides that new and renewed charters for charter schools and charter systems are subject to early intervention program requirements and prohibits the waiver of such requirements.

Senate Bill 66

Georgia Foundation for Public Education

Sponsor: Senator Anavitarte of the 31st and Representative Gambill of the 15th

Effective Date: Section 1 will become effective on January 1, 2022. All other sections will become effective on July 1, 2021. (Signed on May 4, 2021; Act 157)

This bill authorizes the Georgia Foundation for Public Education to create a nonprofit corporation to receive private donations to be used for grants to public schools and provides grant criteria; provides for the expiration of the Public Education Innovation Fund Foundation's authority to promote public-private partnerships and to receive private donations to be used for grants to public schools and provides for the dissolution of the Foundation; and authorizes an income tax credit for qualified education donations.

Senate Bill 88

Governor's Teacher Pipeline Package

Sponsor: Senator Goodman of the 8th and Representative LaRiccia of the 169th

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 266)

This bill provides that the State Board of Education must invite the Georgia Teacher of the Year to serve as an advisor ex officio to the Board during the Teacher's term. This bill requires local school systems to support nontraditional teacher certification programs approved by the Professional Standards Commission (PSC) for a teaching candidate who is a veteran, reserve member, or active duty member of the U.S. armed forces. Any such candidate must hold a bachelor's degree, satisfy other PSC requirements, and attain a passing score on the Georgia educator ethics assessment portion of the Georgia Assessment for Certification of Educators (GACE). The bill also provides that any such candidate is eligible for a three-year military support provisional certificate to be issued in one-year increments by PSC following a joint application by the employing school system and the candidate. Additionally, the bill provides that a maximum of three years of creditable service must be allowed for the previous military service of individuals who obtain a three-year military support provisional certificate pursuant to this program. This bill clarifies language requiring local school systems participating in tiered evaluation systems to use the resources saved by reduced evaluations to allow evaluators to coach and mentor certain teachers. The bill also revises PSC's general duty to approve teacher education programs by requiring any such program to include, at minimum, mandatory coursework in differentiated instruction and instruction related to the development of fundamental reading skills. Finally, the bill revises PSC's general duty to create innovative programs designed to increase the number of minority teachers entering the profession by specifically requiring PSC to utilize programs designed to promote increased student enrollment in and completion of teacher education programs offered at historically black colleges and universities in this state.

Senate Bill 153

Alternative Charter Schools

Sponsor: Senator Dolezal of the 27th and Representative J. Jones of the 47th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 156)

This bill provides for the transfer of system-collaborative state charter schools from operation under state charters to operation as state chartered special schools by July 1, 2021, or as alternative charter schools. It also provides for funding, eligibility, expansion and restrictions on expansion, and related matters.

Senate Bill 159

Use of Vehicles Other than School Buses to Transport Students

Sponsor: Senator Gooch of the 51st and Representative Barr of the 103rd

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 155)

This bill authorizes local boards to use motor vehicles with capacities of eight persons or less which are operated and marked for the transportation of school children to and from school activities. The State Board of Education must establish minimum standards and requirements – which must be delineated separately from requirements for school buses – for maintenance, repair, inspection, and use of such vehicles and minimum qualifications for the drivers of such vehicles. Additionally, the bill requires each local board to obtain an insurance policy insuring the students being transported to and from school related activities against bodily injury or death at any time resulting from an accident or collision in which such vehicles are involved. The amount of such insurance policy is within the discretion of each local board.

Senate Bill 246

The Learning Pod Protection Act

Sponsor: Senator Brass of the 28th and Representative Jasperse of the 11th

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 246)

This bill requires that learning pods are to be exempt from certain state, local, or local school system statutes, rules, regulations, guidelines, or any other regulatory provisions. 'Learning pod' means a voluntary association of parents choosing to group their children in kindergarten through grade 12 together at various times, to include traditional before and after school hours, or places to participate in or enhance a remote learning option offered by their primary educational program. The exemption does not apply to laws relating to civil rights; insurance; the protection of the physical health and safety of school students, employees, and visitors; conflicting interest transactions; the prevention of unlawful conduct; and unlawful conduct in or near a public school. The bill states that participation in a learning pod to facilitate a remote learning option offered by the student's primary education provider will satisfy mandatory attendance requirements under Georgia law.

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ETHICS

Senate Bill 202

Election Integrity Act of 2021

Sponsors: Senator Burns of the 23rd; Representative Fleming of the 121st

Effective Date: Sections 21, 23, 25, 27, 28, and 29 of this bill become effective on July 1, 2021.

All other sections effective upon Governor's signature. (Signed March 25, 2021; Act 9)

This bill combines portions of HB 531, SB 241, SB 62, SB 40, and SB 253 along with other changes to create an omnibus revision of the Georgia election code. It authorizes a voter crime hotline, creates a framework for oversight of local elections officials, and describes changes to the design and make of ballots. The bill requires that notice of change to a polling place location be posted ahead of an election and restricts the use of a portable polling place to times of emergency. New identification requirements are put in place for absentee ballot applications and absentee ballots, and limits are created on the number of drop boxes county officials can establish.

Under this bill, no one may give food or drink to an elector within 150 feet of a polling place. Regarding advance voting, the bill provides that the advance voting period must begin on the fourth Monday

immediately prior to each primary or election and as soon as possible prior to a runoff from any primary or election but no later than the second Monday immediately prior to the runoff. It also adds an additional Saturday to the required advance voting days and provides the option for election officials to utilize Sunday voting.

The bill specifies a process for counting ballots and for storing election materials following the election. If a ballot is damaged or otherwise requires adjudication, the bill creates a duplication panel to prepare a duplicate ballot. Further, this bill allows the Secretary of State to audit absentee ballot applications or envelopes at any time during the 24 month retention period. It also requires that scanned ballot images must be public records subject to disclosure.

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FINANCE

Senate Bill 6

Tax Credit Return on Investment Act of 2021; Georgia Economic Renewal Act of 2021; Georgia Economic Recovery Act of 2021; Credit for the Rehabilitation of Historic Structures; Tax Credit for Qualified Research Expenses; Sales and Use Tax Exemption for the Sale or Lease of Computer Equipment worth Over \$15 Million to Certain High-Technology Companies

Sponsors: Senator Albers of the 56th and Representative Blackmon of the 146th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 166)

This bill allows the chairpersons of the House Committee on Ways and Means and the Senate Finance Committee to request up to five economic analyses each year from the Department of Audits and Accounts which must contract with one or more independent auditors to complete the analyses. Each request is limited to one existing or proposed law and must specify one particular tax provision. The bill provides how the analyses must be reported and allows the analyses to be attached to fiscal notes. This bill provides an additional jobs tax credit for a medical equipment and supplies manufacturer or a pharmaceutical and medicine manufacturer that is qualified to claim a job tax credit for jobs created after July 1, 2021. The income tax credit may offset 100 percent of the of income tax liability, and any excess may be taken as a credit against the business enterprise's income tax payroll withholding without any dollar limitation and carried forward for ten years. This bill revises the new facilities job tax credit by removing the 4,500 job cap and, for high-impact aerospace defense projects, a taxpayer may take this credit and the jobs tax credit, but not both in the same year. With regards to the existing facilities jobs tax credit for high-impact aerospace defense contracts, a taxpayer can take the credit with a reduced investment cost and with fewer associated jobs, though the taxpayer must certify they will meet the normal requirement and when the business enterprise expects to meet those requirements.

The bill also raises the cap regarding credits for these projects to \$100 million, subject to recapture if the investment and jobs requirements are not met 10 years after taking the credit. The bill provides a sales and tax exemption for tickets for fine arts performances or exhibitions that will sunset at on December 31, 2022. The bill revives an expired sales and use tax exemption for the maintenance of concrete mixing trucks that will sunset on June 30, 2026. This bill extends the sunset for the \$35,000 cap on sales and use tax that can be collected on any single event of boat maintenance until June 30, 2031, the Class III railroad maintenance income tax credit until December 30, 2026, and competitive projects of regional significance until June 30, 2023. This bill revises the definition of "business enterprise" for the purposes of the tax credit for research expenses so that the headquarters of retailers can take the credit. This bill updates the applicable North American Industrial Classification System ("NAICS") codes for the sales and use tax exemption on computer equipment to the 2017 publication, provides reporting requirements, excludes wireline and wireless telecommunications systems, and provides a June 30, 2023 sunset.

Under current law a taxpayer can take a tax credit for the rehabilitation of historic structures, capped at \$300,000 per project, except for historic structures projects that create 200 or more full time permanent jobs, or over \$5 million in annual payroll, which are not subject to the \$300,000 cap. No

credit for projects earning a credit over \$300,000 will exceed \$25 million total per calendar year. The bill provides that, for calendar year 2022, the credits under this Code section cannot exceed \$5 million in aggregate for all projects earning a credit of \$300,000 or less, or \$25 million in the aggregate for all projects earning a credit of more than \$300,000. No credits for the rehabilitation of historic structures will issue after January 1, 2023, and the Code Section will stand repealed on December 31, 2022.

Senate Bill 193

Mobile Home Decals

Sponsors: Senator Mullis of the 53rd and Representative Cameron of the 1st

Effective Date: Upon Governor's Approval (Signed on May 6, 2021; Act 250)

This bill removes the requirement that mobile home owners display a decal evidencing compliance with ad valorem and location permit requirements on their mobile home unless the decal is required by the governing authority in the county where the mobile home is located. Mobile homes owned within the state are still subject to ad valorem tax and location permit requirements. Under this bill, county property appraisers will only have to inspect for decals in counties that elect to require decals. This bill makes conforming changes to the criminal penalties for failing to display a decal or moving a mobile home without a decal, to provide that these penalties apply only when required by the governing body of the county where the mobile home is located.

Senate Bill 201

Department of Revenue Requests for Delinquent Taxpayer's Account Information; Tax Commissioners Assessing and Collecting Municipal Taxes in Counties of 14 or More Municipalities

Sponsors: Senator Hufstetler of the 52nd and Representative Williamson of the 115th

Effective Date: Upon Governor's Approval (Signed on May 10, 2021; Act 267)

This bill authorizes the Department of Revenue ("DOR") to make up to four requests a year from financial institutions for the account information of delinquent taxpayers who maintain an account with the financial institution. Financial institutions must respond to such requests within 30 days. The bill authorizes the DOR and financial institutions to enter into an automated data exchange for these requests. The bill authorizes the DOR to use third parties to operate the automated data exchange. The bill sets penalties for financial institutions that do not timely respond to requests. The bill makes the account information confidential like tax information and provides restrictions on its disclosure and use. The bill requires the DOR to administer its requests in the same manner as provided in the Child Support Recovery Act, to avoid duplication and to reduce the burden on financial institutions. Under the bill, financial institutions will not be liable for actions stemming from disclosures made in good faith with complying with the department's requests. The bill also provides that in counties of 14 or more municipalities, counties can contract with municipalities located in the county for the county tax commissioner to collect municipal taxes. The contract, which is not subject to the tax commissioner's approval, will specify the amount to be paid by municipalities, which approximates the costs to the county in providing these services. Counties may, but are not required, to provide additional compensation to the tax commissioner for the additional duties.

Senate Bill 213

School System Guaranteed Energy Savings Contracts

Sponsors: Senator Harper of the 7th and Representative Rhodes of the 120th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 160)

This bill revises current law in Title 20 that authorizes school systems to enter into guaranteed energy savings contracts ("GESCs") by revising the definition of "energy saving measures" by adding a catch all provision to the listed energy saving measures. The bill provides that a county, independent, or area school system may enter into GESCs with each qualified energy savings providers. School systems may elect to implement the energy or operational cost savings measure in one or more phases with the selected qualified energy services provider. Additionally, the bill provides a county, independent, or area school system may use proceeds from a local sales tax collected for education purposes to pay a GESC, provided that the scope of services included in such contract are permissible according to the referendum authorizing the collection of such taxes. This bill revises current law relating to GESCs entered into by state governmental units in Title 50 by revising the definition of "energy conservation measure" to allow for revenue generation measures. The bill also removes school

boards from the definition of “governmental unit” in this Code section, so that the authority for school boards to enter into GESCs will be all contained in Title 20.

House Bill 32

Teacher Recruitment and Retention Program

Sponsors: Representative Belton 112th and Senator B. Jones of the 25th

Effective Date: July 1, 2021 and applies to all tax years beginning on or after January 1, 2022 (Signed on April 21, 2021; Act 27)

This legislation authorizes the State Board of Education to establish a teacher recruitment and retention program with the purpose of encouraging both new and experienced teachers to seek employment with qualifying public schools in high need subject areas. The Department of Education will determine which public schools are qualifying public schools, selecting 100 schools from the otherwise qualifying schools and designating the high need subject areas in those schools. The program will provide participating teachers a \$3,000.00 tax credit per school year for up to five consecutive school years. This tax credit is non-refundable but can be carried forward for three years. No new applications for the program will be accepted after December 31, 2026.

House Bill 63

Ad Valorem Tax for Vehicles and the Fair Market Value of Certain Leased Vehicles

Sponsors: Representative Blackmon of the 146th and Senator Gooch of the 51st

Effective Date: January 1, 2022 (Signed on May 4, 2021; Act 169)

Under current law, if a motor vehicle which is leased but is not leased for use primarily in the lessee’s trade or business and contains a provision for the adjustment of the rental price, the fair market value (“FMV”) for calculating the alternate ad valorem tax is defined as the total of base payments pursuant to the lease agreement plus any down payment. This bill revises this definition of FMV in such cases to mean the total of the depreciation plus any amortized amounts pursuant to the lease agreement, plus any down payments.

House Bill 114

Revising the Tax Credit for the Adoption of Qualified Foster Children

Sponsors: Representative Reeves of the 34th and Senator Hatchett of the 50th

Effective Date: July 1, 2021 and applies to all tax years beginning on or after January 1, 2021 (Signed on March 22, 2021; Act 5)

This bill amends the credit for the adoption of qualified foster children. Under current law, this credit is \$2,000 per qualified foster child adopted, per taxable year, commencing with the year in which the adoption becomes final and ending in the year when the child attains the age of 18. This credit is not refundable, but is allowed to be carried forward to apply to a taxpayers succeeding tax year’s liability. This bill provides that the amount of the tax credit will be \$6,000 for the first five years, and \$2,000 for each year thereafter until the child attains the age of 18. Under the bill, the credit is non-refundable and will no longer be allowed to carry forward.

House Bill 149

S-corps and Partnerships May Elect to File Income Tax Returns at Entity Level

Sponsors: Representative Williamson of the 115th and Senator Hufstetler of the 52nd

Effective Date: Upon Governor’s Approval and applies to all tax years beginning on or after January 1, 2022 (Signed on May 4, 2021; Act 164)

This bill allows S-corps and partnerships to pay the Georgia income taxes at the entity level by making an annual irrevocable election to do so and filing an entity level tax return like a corporation. Electing entities will be taxed at 5.75% of its net income. Shareholders and partners will not realize their share of income on their person tax returns. Electing entities will not be allowed deductions based on gross or net income. Out of state shareholders or partners of electing entities will not have to file income tax for their respective share of the income, and electing entities are not required to withhold taxes.

House Bill 160**Municipal Option Sales Tax (“MOST”) for Water and Sewer Projects and Costs; Request for Independent Audit****Sponsors: Representative Boddie of the 62nd and Senator Halpern of the 39th****Effective Date: Upon Governor’s Approval (Signed on May 10, 2021; Act 270)**

Under current law, a municipality in which the average waste-water flow is at least 85 million gallons of water a day can propose a referendum for a MOST to pay for water and sewer projects to be ratified by its voters. This bill would allow municipalities that operate a waste-water system that interconnects with a qualifying municipality to propose a MOST referendum for its voters. This bill also provides an audit procedure under which the Governor, the Speaker of the House of Representatives, or the Lieutenant Governor may order, up to once each year, an independent and comprehensive audit of the tax imposed. Municipalities can satisfy the audit requirement by having an annual independent audit which includes the tax imposed, and makes the audit available to the state auditor upon request.

House Bill 265**Annual IRC Conformity****Sponsors: Representative Knight of the 130th and Senator Hickman of the 4th****Effective Date: Upon Governor’s Approval and will be applicable to all taxable years beginning on or after January 1, 2020 (Signed February 24, 2021; Act 3)**

This bill revises the definitions of “Internal Revenue Code” or “Internal Revenue Code of 1986” to update the reference date to federal law to January 1, 2021, incorporating changes in the Internal Revenue Code into Georgia law for tax years beginning on or after January 1, 2020.

House Bill 271**Ambulance Services; Provider Matching Payments****Sponsors: Representative Reeves of the 34th and Senator Payne of the 54th****Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 186)**

This bill authorizes the Board of Community Health to establish, assess, by Board rule, one or more provider matching payments on a subclass of ambulances services, but provider matching payment must not exceed the amount necessary to obtain federal financial participation. The Board must not impose provider matching payments if not eligible for federal matching funds, or if they cause a reduction in the amount of Medicaid payment to ambulance services or a rate adjustment. All funds collected must be deposited into the Indigent Care Trust Fund, and the Department of Community Health is authorized to impose penalties for failing to pay required providing matching payments.

House Bill 282**Ad Valorem Taxation of Qualified Timberland Property****Sponsors: Representative Meeks of the 178th and Senator Hufstetler of the 52nd****Effective Date: July 1, 2021 (Signed on May 7, 2021; Act 256)**

Under current law, the Commissioner of the Department of Revenue must certify timberland property as qualified timberland property if, among other requirements, the timberland property is at least 50 contiguous acres. This bill defines “contiguous” as real property within a county that abuts, joins, or touches and has the same undivided common ownership. If an applicant’s tract is divided by certain boundaries defined by the statute, then the applicant has, at the time of the initial application, a one-time election to declare the tract as contiguous irrespective of the boundaries. This bill also defines the fair market value of qualified timberland property so that such that a market approach to valuation will constitute 50 percent of the value, and an income approach to valuation will constitute 50 percent of the value. This bill adds that the landowner can satisfy certification requirements by submitting an affidavit that the property is used for the bona fide production of trees. The bill prohibits the Commissioner from requiring landowners to provide a legal description of property or a forest management plan.

House Bill 292**Required Instruction for Members of County Boards of Equalization****Sponsors: Representative N. Williams of the 148th and Senator Payne of the 54th****Effective Date: Upon Governor’s Approval (Signed on May 4, 2021; Act 187)**

Among other requirements, current law requires members of county Boards of Equalization to complete 20 hours of instruction in appraisal and equalization process and procedures for each subsequent term of office after the completion of his or her first term. A board member cannot hear an appeal unless, prior to the hearing, he or she has satisfactorily completed this 20 hours of instruction. This bill removes these requirements. Members must still receive at least 40 hours of instruction required by the State Revenue Commissioner in their first year of initial appointment.

House Bill 317

Marketplace Innkeepers

Sponsors: Representative Stephens of the 164th and Senator Watson of the 1st

Effective Date: July 1, 2021 (Signed on April 21, 2021; Act 21)

This bill provides for marketplace innkeepers, who facilitate the furnishing for value to the public any room or rooms, lodging, or accommodations on behalf of another person. Franchisees of marketplace innkeepers are not innkeepers if they meet requirements specified by the bill. Marketplace innkeepers are required to collect the \$5.00 hotel-motel fee along with other innkeepers. Marketplace innkeepers must remit all hotel-motel taxes and are liable for the full amount of hotel-motel taxes levied on its transactions, or the amount of tax collected by the marketplace innkeeper from all purchases on such transactions, whichever is greater. Hotel-motel taxes collected by marketplace innkeepers are subject to the credit for like taxes previously paid in another state. This bill provides a standard for relief from failure to pay hotel-motel taxes if a marketplace innkeeper demonstrates they were provided with incorrect or incomplete information, and made reasonable efforts to get correct and complete information. Requiring marketplace innkeepers to collect the hotel-motel fee will apply to all furnishing of rooms for value on or after the effective date, unless a reservation was made with payment or a deposit paid before that date.

House Bill 374

Exempting Sales to Public Water or Sewer Service Authorities from Sales and Use Tax

Sponsors: Representative Gaines of the 117th and Senator Ginn of the 47th

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 234)

This bill provides that sales to any authority created by local law enacted by the General Assembly or local constitutional amendment to provide public water or sewer service will be exempt from state sales and use taxes.

House Bill 451

Fair Market Value of Inventory of Finished Goods

Sponsors: Representative Lumsden of the 12th and Senator Mullis of the 53rd

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 162)

Current law provides an ad valorem exemption for the inventory of finished goods manufactured or produced within this state in the ordinary course of the taxpayer's manufacturing or production business when held by the original manufacturer or producer, not to exceed 12 months from manufacture. This bill allows a taxpayer who uses the exemption for the 2020 tax year to have the option for the 2021 tax year to use the fair market value of applicable inventory as of January 1, 2020 or as of January 1, 2021 for the 2021 tax year.

House Bill 498

Sales Tax Exemption for Sales of Boats to Out of State Purchasers; Revising Ad Valorem Property Tax Exemption for Qualified Farm Products

Sponsors: Representative Watson of the 172nd and Senator Walker of the 20th

Effective Date: Upon Governor's Approval (Signed on May 7, 2021; Act 260)

This bill provides a sales tax exemption for the sales of boats to out of state purchasers who provide documentation of residency and who immediately take the watercraft outside of this state and use it exclusively outside of this state. This bill also provides, for the purposes of the ad valorem exception for qualified farm products, that family owned farm entity can include two farms merging and consolidating if both would have qualified independently as family owned farm entities, and revises the definition of "qualified farm products" to included dairy products and unfertilized eggs of poultry.

This bill provides for a state wide referendum to approve the expansion of the state-wide exemption from ad valorem taxation for agricultural equipment and certain farm products as described above.

House Bill 511

State Trust Funds

Sponsors: Representative Reeves of the 34th and Senator Dixon of the 45th

Effective Date: July 1, 2022 (Signed on May 10, 2021; Act 290)

This bill revises requirements for the Georgia Outdoor Stewardship Trust Fund, giving the General Assembly the direct power to appropriate funds, and changes all years to fiscal year. Enabling legislation for the constitutional revision on dedicated fees. The bill provides the requirements for collecting fees and disbursing funds from the separate account. This bill also creates nine trust funds, subject to the dedicated fees provision of Georgia Constitution which requires that the amount of funds dedicated to these trust funds cannot equal or exceed 1 percent of the previous fiscal year's state revenue subject to appropriations.

House Bill 574

Local Government Companion Animal Trust Fund

Sponsors: Representative Camp of the 131st and Senator B. Jones of the 25th

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 278)

This bill provides that, for the period beginning on July 1, 2021 and ending on June 30, 2031, fees for licenses for pet dealers, kennel, stable, or animal shelter operations must be renewed and, subject to the dedicated fees provision of the Georgia Constitution, up to \$50,000 of such fees must be dedicated to the Local Government Companion Animal Trust Fund. The bill provides that the total amount of funds in the fund at any time must not exceed \$200,000, and the amounts will not lapse. The Department of Agriculture must accept applications from qualified local governments for reimbursement of expenses incurred by such local governments impounding more than 29 dogs or cats or more than 9 equines as part of any investigation of offenses related to animal cruelty or otherwise providing care for such animals impounded pursuant to the Georgia Animal Protection Act or local ordinance. The department will reimburse for the expenses if deemed reasonable and appropriately incurred. The Commissioner of Agriculture must report the use of the funds every year. The dedicated funds provision of the Georgia Constitution requires that the amount of funds dedicated to this trust fund cannot equal or exceed 1 percent of the previous fiscal year's state revenue subject to appropriations.

House Bill 575

Referendums for the Increase, Decrease and Renewal of Joint County and Municipal Sales and Use Taxes

Sponsors: Representative Dickey of the 140th and Senator Kennedy of the 18th

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 167)

This bill creates a new Code section to provide for the increase, decrease, or renewal of joint county and municipal sales and use taxes in a special district created by a consolidated government. Such tax can be increased from one to two percent by passing a referendum in the same manner required to pass the original tax. The consolidated government must, in the year following the initial year in which it is levied, reduce the millage rate for ad valorem taxation of tangible property by five mills and in all subsequent years, must adjust annually the millage rate for ad valorem taxation of tangible property by the amount collected by the sales and use tax. The increased sales and use tax can be decreased or extended by passing another referendum. Rental, lease, and other agreements related to property that utilize the millage rate in calculating payments in lieu of taxes payable by the tenant, lessee, or occupant will not be affected by millage rate changes from this Code section, unless specifically specified.

House Bill 588

Eligible Expenditures for Georgia Freight Railroad Program; Public Private Partnerships for Transportation Projects; Dedicated Funds for Freight and Logistics Projects

Sponsors: Representative Jasperse of the 11th and Senator Gooch of the 51st

Effective Date: July 1, 2021 (Signed on May 5, 2021; Act 224)

Current Georgia law authorizes GDOT to evaluate projects to determine appropriate levels of state, local, and private participation in financing such project. This bill clarifies these sections by expressly authorizing public-private partnerships. This bill revises relevant Code sections to clean-up provisions regarding the application process for such private-public partnerships. This bill also provides for an alternative contracting method with department-selected construction managers/general contractors. This bill provides that, if funds collected by highway impact fees or sales and use taxes on locomotive fuel or the hotel motel tax are not appropriated in accordance with their statutory purposes, the fees and taxes will be reduced or repealed. Current law provides that, before the expenditure of state funds for the Georgia Freight Railroad Program, the GDOT Commissioner must determine if the expenditure is ample consideration for a substantial public benefit. This bill provides a definition of substantial public benefit.

House Bill 593

Tax Relief Act of 2021

Sponsors: Representative Blackmon of the 146th and Senator Walker of the 20th

Effective Date: July 1, 2021 and will be applicable to tax years beginning on or after January 1, 2022 (Signed March 22, 2021; Act 6)

This bill increases the standard deduction in all filing categories as follows: single filers increase from \$4,600 to \$5,400; married filing separate increase from \$3,000 to \$3,550; and married filing jointly increase from \$6,000 to \$7,100.

House Bill 611

Definition of “Small Business” for and Provides for Data Sharing Regarding the Small Business Assistance Act; Provides for Certain Definitions Relating to Economic Development

Sponsors: Representative Cheokas of the 138th and Senator Thompson of the 14th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 161)

This bill revises the definition of “small business” for the Small Business Assistance Act by breaking down the current definition into the following: Tier one, has ten or fewer employees or \$1 million or less in gross receipts per year; Tier two, has 100 or fewer employees or \$10 million or less in gross receipts per year; or Tier three, has 300 or fewer employees or \$30 million or less in gross receipts per year. The bill also provides for data sharing between state agencies, offices, or other entities to the Department of Administrative Services, subject to any confidentiality requirements otherwise provided by law, for the purpose of effectuating the legislative intent of the Small Business Assistance Act. The bill also defines “innovation,” “innovative product or service,” and “startup” relating to economic development.

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GOVERNMENT OVERSIGHT

Senate Resolution 134

Suspension of Compensation for Public Officials Indicted for a Felony

Sponsors: Senator Walker III of the 20th; Representative Efstathiou of the 104th

Effective Date: Upon Ratification of Ballot Question (Signed on May 10, 2021; Act 304)

If a public official is indicted for a felony, Georgia law currently requires the Attorney General or district attorney to transmit a certified copy of the indictment to the Governor. The Governor then appoints a review commission whose purpose is to determine whether such indictment relates to and adversely affects the administration of the indicted public official’s office. Should the commission so determine, the Governor, or Lieutenant Governor if the indicted official is the Governor, immediately suspends the official pending final disposition of the case or the end of the official’s term of office, whichever comes first. While the official is suspended and until a trial conviction, the officer continues

to receive compensation from his or her office.

This resolution prevents a public official suspended under the provisions of Article II, Section III of the Georgia Constitution from receiving compensation from his or her office until reinstatement.

Senate Bill 100

Observance of Daylight Savings Time (DST) Year Round

Sponsors: Senator Watson of the 1st; Representative Cantrell of the 22nd

Effective Date: At such time that Congress authorizes states to observe DST year round. (Signed on April 21, 2021; Act 17)

This bill requires Georgia to observe daylight savings time year round as the standard time for the entire state.

Senate Bill 144

Area of Operation of City Housing Authorities

Sponsors: Senator Tippins of the 37th; Representative Ehrhart of the 36th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 211)

Current Georgia law defines “area of operation” in the case of a housing authority of a city to mean such city and the area within ten miles of its territorial boundaries. The area of operation also includes any area which lies within the boundaries of any other city, provided that the governing body of the other city passed a resolution stating the need for the city housing authority to exercise its powers within the other city’s boundaries. This bill removes the area within ten miles of a city’s territorial boundaries from the “area of operation” definition, and makes conforming changes in Code Section 8-3-14 referencing consolidated housing authorities for two or more municipalities.

Any housing authority which is operating a housing project outside the city but within ten miles of its boundaries on July 1, 2021, may continue operating the project. However, no new housing projects will be authorized outside the city without the governing body of the county or municipality where the housing project will be located consenting to the expansion of the housing authority’s area of operation. In addition, any such authorized project must conform to existing zoning classifications and land use plans of the political subdivision in which the proposed project will be located.

House Resolution 130

Transfer of Forsyth County from the Georgia Mountains Regional Commission to the Atlanta Regional Commission

Sponsors: Representative McDonald of the 26th; Senator Dolezal of the 27th

Effective Date: Upon Governor’s Approval (Signed on May 10, 2021; Act 296)

This resolution ratifies the action of the Board of Community Affairs approving the transfer of Forsyth County from the Georgia Mountains Regional Commission to the Atlanta Regional Commission. The Department of Community Affairs is authorized to undertake and carry out all activities necessary to implement this change. This bill also extends the period provided for the required redistricting which follows this transfer by 90 days following the release of the 2020 census.

House Bill 161

Removal of Perpetual Existence for Downtown Development Authorities

Sponsors: Representative Tankersly of the 160th; Senator Walker III of the 20th

Effective Date: Upon Governor’s Approval (Signed on May 4, 2021; Act 177)

Current Georgia law creates a downtown development authority for every municipality, and provides for it to have perpetual existence. This bill strikes the language authorizing the authority to have perpetual existence.

House Bill 465

Penalties for False Alarms

Sponsors: Representative Gullett of the 19th; Senator Robertson of the 29th

Effective Date: Upon Governor’s Approval (Signed on May 3, 2021; Act 148)

This bill creates a new Code section which states that a local government may enact, adopt, or enforce

any ordinance, resolution, or regulation which requires an alarm system contractor to pay or be responsible for any penalty relative to false alarms in situations only when the false alarm is a result of contractor error or improper installation, or if the contractor cannot provide evidence that the alarm verification process was followed. Further, if the contractor was in compliance and an individual property owner was responsible for a false alarm, the local government may require the alarm user responsible for the false alarm to pay a corresponding penalty.

For the purposes of this bill, a “false alarm” is the activation of any alarm system that results in a request for police assistance for which the responding public safety agency finds no evidence of criminal activity.

House Bill 619

Conveyance of Patrick’s Fishing Paradise

Sponsors: Representative Houston of the 170th; Senator Harper of the 7th

Effective Date: July 1, 2021 (Signed on May 7, 2021; Act 259)

This bill allows the State and the Department to convey fee simple title in the parcel located in Berrien County, Georgia, whose legal description appears in the bill, to a private entity for good and valuable consideration as determined by the Commission. In order to do so, the State and the Department must follow the same procedure as described above for conveyance of a heritage preserve to a county or local government.

This procedure for the conveyance of a heritage preserve to a private entity applies only to the parcel described in this bill.

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HEALTH & HUMAN SERVICES

Senate Bill 4

Patient Brokering and Fraudulent Insurance Acts

Sponsors: Senator Kirkpatrick of the 32nd; Representative Reeves of the 34th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 205)

This bill adds a new article to Title 26 making it unlawful for any person, including a substance abuse provider, to pay, offer to pay, solicit, or receive any remuneration, in cash or in kind, or engage in any split-fee arrangement, to induce the referral to a patient or patronage to or from a substance abuse provider, for the return or referral of a patient or patronage to or from a substance abuse provider, or in return for the acceptance or acknowledgement of treatment from a substance abuse provider. Additionally, the bill creates a new Code section under Title 33, which provides that a person commits a fraudulent insurance act if he or she knowingly and with intent to defraud presents, causes to be presented, or prepares with knowledge or belief that it will be presented, any bill for excessive testing, fraudulent testing, or high-tech drug testing in the treatment of the elderly, the disabled, or any individual affected by pain, substance abuse, addiction, or any related disorder, to or by an insurer, broker, or any agent thereof, or directly or indirectly to an insured or uninsured patient.

Senate Bill 5

Sedation Standards in Dentist and Physician Offices; Phlebotomy and Venipuncture Training for Dentists

Sponsors: Senator Kirkpatrick of the 32nd; Representative Hawkins of the 27th

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 288)

This bill provides that the administration of conscious sedation in dental facilities or in the course of dentistry provided through a medspa by persons unlicensed by the Board of Dentistry is an unlawful practice of dentistry. This does not apply to approved physician assistants practicing as an anesthesiologist assistant acting under the direction of an anesthesiologist. Regarding phlebotomy and venipuncture procedures, the bill requires dental assistants and licensed dental hygienists performing or assisting in such procedures, or in the administration of conscious sedation or general anesthesia, to complete training approved by the Board of Dentistry. Separately, the bill authorizes the Georgia

Composite Medical Board to promulgate rules and regulations for physicians administering sedation in office based surgeries.

Senate Bill 46

Firefighter, EMS, EMT, and Cardiac Tech Training in the Department of Corrections and Drug Testing; Sharing Low THC Oil Patient Registry Sponsors; Authorizing Vaccine Administration by EMTs, Cardiac Techs; Changes to State Vaccination Procedures

Sponsors: Senator Burke of the 11th; Representative Cooper of the 43rd

Effective Date: Upon Governor's Approval (Signed on May 10, 2021; Act 292)

Sections 1, 2, 3, 4, 7, and 9 relate to emergency personnel training sponsored by the Department of Corrections ("DOC"). The bill provides that DOC is authorized to institute inmate training programs for firefighting based on the Georgia Fire Academy curriculum and emergency medical services personnel as defined in O.C.G.A. § 31-11-49. All firefighters, paramedics, cardiac technicians, and EMTs qualified, licensed, or certified based on a DOC program are subject to random testing for use of illegal drugs for the first two years of their licensure. Applicants for paramedic, cardiac technician, or EMT licensure with a felony conviction between five and ten years prior to such application are not automatically disqualified if they completed their respective DOC training program.

Section 2A allows any entity to request information from the Low THC Oil Patient Registry that is otherwise confidential for statistical, research, education, instruction, drug abuse prevention, or grant application purposes, so long as it is deidentified and HIPAA compliant.

Sections 5 and 6 allow EMTs and cardiac technicians to administer vaccines pursuant to a physician's order during a public health emergency.

Sections 8 and 10 revise state vaccination procedures. The bill allows the Department of Public Health to submit vaccination data to the U.S. Department of Health and Human Services and its subsidiaries for limited purposes and without the person's name. Any person or their parent or guardian if under 18 years old may request an exemption from the registry. Furthermore, the bill codifies the Georgia Registry of Immunization Transactions and Services ("GRITS") and provides that pharmacists, nurses, or their designees are not required to check GRITS for vaccinations carried out to treat a public health emergency or for mass vaccination events.

Senate Bill 215

Certified Medication Aides in Nursing Homes

Sponsors: Senator Walker of the 20th; Representative LaHood of the 175th

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 218)

This bill allows certified medication aides to administer medications in nursing homes. These medications must not be narcotic Schedule II controlled substances. Nursing homes employing such certified medication aides must implement pharmacist-conducted reviews and enact other safeguards for the use and disposal of drugs. Additionally, the bill requires that the Department of Community Health must approve employer-based programs in assisted living communities, private home care providers, personal care homes, or other long-term care facilities for certified nurse aide training in the same manner as such programs are approved in nursing homes.

Senate Bill 235

Revising Georgia's Anti-mask Statute

Sponsors: Senator Watson of the 1st; Representative Burchett of the 176th

Effective Date: July 1, 2021 (Signed on April 21, 2021; Act 18)

This bill amends Article 2 of Chapter 11 of Title 16 relating to Georgia's anti-mask statute. Current law provides that a person is guilty of a misdemeanor when they wear a mask, hood, or device which hides, conceals, or covers their identity on a public roadway or property, or on private property without written permission of the property's owner or occupier. The bill adds the element that the wearer must intend to conceal his or her identity. An exception from prosecution is provided for masks worn for the purpose of complying with the guidance of any health care agency or health care provider to prevent the spread of COVID-19 or other coronavirus or influenza or infectious diseases.

House Bill 34

Audiology and Speech-Language Pathology Interstate Compact Act

Sponsors: Representative Belton of the 112th; Senator Seay of the 34th

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 285)

This bill joins Georgia to the Audiology and Speech-Language Pathology Interstate Compact (the “Compact”)—a multi-state agreement allowing licensed audiologists and speech-language pathologists to practice in all Compact member states.

House Bill 93

Revising Certified Clinical Laboratories Licensing; Home Use HIV Testing

Sponsors: Representative Cooper of the 43rd; Senator Watson of the 1st

Effective Date: July 1, 2021 (Signed on May 5, 2021; Act 223)

This bill repeals current state licensing laws found in Chapter 22 of Title 31 for clinical laboratories and replaces such regulation with recognition of clinical laboratories certified by the federal Centers for Medicare and Medicaid Services (“CMS”). Additionally, by striking definitions identifying the Department of Community Health and its Board, the bill moves rulemaking for the remainder of Chapter 22 to the Department of Public Health and its Board. With regards to HIV testing, current law prohibits anyone from selling or offering for sale an HIV test that allows any entity other than a clinical laboratory to perform such test. This bill adds that this prohibition does not apply to HIV tests approved for home use by the FDA. Finally, Section 4 provides that “pharmacy care” includes ordering, administering, and interpreting the results of FDA-approved home tests.

House Bill 119

Chiropractor and Physician Jointly Owned Professional Corporations

Sponsors: Representative Hawkins of the 27th; Senator Walker of the 20th

Effective Date: July 1, 2021 (Signed on April 29, 2021; Act 34)

This bill provides that practicing chiropractors and physicians may jointly own a professional corporation together to an extent not inconsistent with the ethics of their professions or otherwise prohibited by law. The bill prohibits such chiropractors from using “physician” as a title in their name or in the name of the professional corporation.

House Bill 128

Gracie’s Law; Defining a Parent for Orders for Resuscitation of Minors

Sponsors: Representative Rick Williams of the 145th; Senator Dixon of the 45th

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 244)

This bill prohibits licensed health care service providers from denying an individual’s eligibility to receive anatomical gifts, organ transplants, or other services related to organ transplants based on the individual’s disability. The bill also prohibits refusing to place a qualified recipient on an organ transplant waiting list, and from placing such person at a lower priority on the list than the individual would have been placed without his or her disability. Where it appears that a covered entity has violated or is violating these provisions, an affected person may file a civil action in Superior Court. Additionally, the bill amends Chapter 39 of Title 31 regarding resuscitation orders for minors by providing that a “parent” may also be a person with legal authority to act on behalf of a minor.

House Bill 141

Crime Victims Emergency Fund Standards for Compensating Reasonable Medical Charges

Sponsors: Representative Gaines of the 117th; Senator Watson of the 1st

Effective Date: July 1, 2022 (Signed on May 6, 2021; Act 233)

This bill amends current law governing the Crime Victims Emergency Fund by providing that payments made by the Georgia Crime Victims Compensation Board be in accordance with the list of usual, customary, and reasonable charges for medical services published by the State Board of Workers’ Compensation.

House Bill 163

Medicaid State Plan Amendment for Express Lane Eligibility

Sponsors: Representative Cooper of the 43rd; Senator Burke of the 11th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 178)

This bill authorizes the Department of Community Health to submit a state plan amendment to the federal Department of Health & Human Services to implement express lane eligibility for children based on data received for enrollment in other benefit programs, such as the Supplemental Nutrition Assistance Program. Such data will be used to determine eligibility for Medicaid and PeachCare for Kids, and can provide for the child's automatic enrollment and renewal in these programs.

House Bill 234

Self-funded Healthcare Plan Opt-in to the Surprise Billing Consumer Protection Act

Sponsors: Representative Hawkins of the 27th; Senator Hufstetler of the 52nd

Effective Date: Upon Governor's Approval (Signed on April 29, 2021; Act 36)

This bill allows a plan falling under the exclusive jurisdiction of the federal Employee Retirement Income Security Act to elect its participation into the protections and conditions afforded under the state Surprise Billing Consumer Protection Act. Self-funded healthcare plans opting in must develop processes to address employee notification or other responsibilities under ERISA that may arise from its election into the Act. The Insurance Department must maintain a list of participating plans.

House Bill 245

Consent to GCMB Representative; Revision to Fingerprint Requirement for Podiatrist Licensing

Sponsors: Representative LaHood of the 175th; Senator Kirkpatrick of the 32nd

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 184)

This bill removes automatic consent given to a representative of the Georgia Composite Medical Board to conduct a criminal background check by virtue of submitting an application for licensure or certification. Additionally, current law requires a podiatrist to satisfactorily pass a fingerprint background check as a condition for both licensing and license renewal. This bill strikes the fingerprint requirement for license renewal and adds that such a fingerprint check is a condition for license reinstatement as a podiatrist. It also removes the ability of a representative of the Board of Podiatry to conduct the search.

House Bill 268

The Occupational Therapy Licensure Compact Act

Sponsors: Representative Werkheiser of the 157th; Senator Watson of the 1st

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 286)

This bill joins Georgia to the Occupational Therapy Licensure Compact (the "Compact")—a multi-state agreement allowing licensed occupational therapists and occupational therapist assistants to practice in all Compact member states.

House Bill 307

Locations Appropriate to Conduct Telehealth Services; Insurance Coverage for Telehealth

Sponsors: Representative Cooper of the 43rd; Senator Kirkpatrick of the 32nd

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 188)

This bill amends the Georgia Telehealth Act by providing that a distant site may include the health care provider's home. With regard to a patient's location, this bill strikes the provision that such site be located in this state, and adds that it can include a patient's home, workplace, or school. Regarding technology through which telehealth may be delivered, the bill amends the definition of "telemedicine" to restrict the use of audio-only telephone in delivering telemedicine to only certain circumstances. Additionally, the bill provides that an insurer does not have to pay for a telemedicine service provided through an audio-only call for any services other than mental or behavioral health services. The bill prohibits insurers from requiring in-person consultations or contact before a patient receives telemedicine services, except for the initial installation, setup, or delivery of in-home telehealth devices or services, and from imposing deductibles other than that which applies in the aggregate to all items and services covered under the patient's policy.

House Bill 316

Pharmacist Supervision of Pharmacy Technicians and Certified Pharmacy Technicians

Sponsors: Representative Ron Stephens of the 164th; Senator Watson of the 1st

Effective Date: July 1, 2021 (Signed on April 21, 2021; Act 19)

Current law caps the number of pharmacy technicians a pharmacist may directly supervise at three per pharmacist. This bill increases that cap to four pharmacy technicians per pharmacist. Furthermore, current law requires that one of the three pharmacy technicians must be certified by the Board of Pharmacy. This bill provides that any time a pharmacist directly supervises four pharmacy technicians, two must be certified. When the pharmacist directly supervises three pharmacy technicians, one must be certified. When a pharmacist is directly supervising one or two pharmacy technicians, none must be certified.

House Bill 346

Jarom's Act

Sponsors: Representative LaRiccia of the 169th; Senator Harper of the 7th

Effective Date: July 1, 2021 (Signed on May 3, 2021; Act 146)

This bill authorizes paramedics to administer hydrocortisone sodium succinate intramuscularly to a patient when such patient:

1. Has congenital adrenal hyperplasia or any adrenal insufficiency;
2. Is believed to be in adrenal crisis; and
3. Has on their person or in their belongings hydrocortisone sodium succinate in packaging that clearly states the appropriate dosage and has an unbroken seal.

Emergency medical services personnel are required to obtain training on congenital adrenal hyperplasia and paramedics to obtain training on administering hydrocortisone sodium succinate. Additionally, the bill shields paramedics with immunity from civil liability provided in current law at O.C.G.A. § 31-11-8 for licensed ambulance services and their employees and agents when rendering emergency care without remuneration.

House Bill 370

Joint Hospital Authority Membership Terms and Use of Funds

Sponsors: Representative Jan Jones of the 47th; Senator Kirkpatrick of the 32nd

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 274)

This bill amends state law governing hospital authorities by providing that, on and after July 1, 2021, members of joint hospital authorities operating or leasing a hospital with more than 900 licensed beds cannot serve for more than three consecutive terms or 12 years, whichever is longer. Additionally, a joint hospital authority operating or leasing a hospital with more than 900 licensed beds can use revenues to fund pension plan obligations that exist as of January 1, 2021. Finally, this bill provides that no revenues made by a joint hospital authority operating or leasing a hospital with more than 900 licensed beds can be used to perform any power or duty delegated in a lease.

House Bill 395

The Professional Counselors Licensure Compact Act

Sponsors: Representative Belton of the 112th; Senator Hufstetler of the 52nd

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 287)

This bill joins Georgia to the Professional Counselors Licensure Compact (the "Compact")—a multi-state agreement allowing licensed professional counselors to practice in all Compact member states.

House Bill 458

Required Education in Professional Practice, Boundaries, and Sexual Misconduct for Professional Licensure; Reporting Requirements

Sponsors: Representative Cooper of the 43rd; Senator Kirkpatrick of the 32nd

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 291)

This bill requires dentists, members of the physician assistants advisory committee of the Georgia Composite Medical Board, and physicians to take training in professional boundaries and unprofessional conduct related to sexual misconduct. The bill also requires medical schools and

osteopathic medical schools to include education and training regarding professional boundaries and physician sexual misconduct. The bill provides immunity from civil and criminal liability for physicians, nurses, and physician assistants who report sexual assault committed by physicians, and imposes fines for failing to make such reports.

House Bill 567

Maternal Mortality Review Committee Request Response; Newborn Screening and Genetics Advisory Committee

Sponsors: Representative Cooper of the 43rd; Senator Burke of the 11th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 200)

This bill amends the requirement that health care providers, health care facilities, and pharmacies make medical records available for review to the Maternal Mortality Review Committee by providing that they must make such records available within 30 days of receiving a request. Additionally, the bill places the authority to determine the scope of a newborn screening program with the Department of Public Health based on advice of the Newborn Screening and Genetics Advisory Committee. When a disorder is approved by the Department after recommendation by the Advisory Committee, the bill requires the Department to submit a budget request to the Office of Planning and Budget seeking appropriations to cover screening for the new disorder.

House Bill 653

Pharmacy Care Including Interpreting Home Tests and COVID-19 Tests

Sponsors: Representative Jasperse of the 11th; Senator Hufstetler of the 52nd

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 240)

This bill amends the Georgia Pharmacy Practice Act to provide that “pharmacy care” includes ordering and administering tests that have been cleared or approved for home use by the FDA and interpreting the results to screen for or monitor disease, disease risk factors, or drug use and to facilitate patient education. Additionally, pharmacists can order and administer viral and serology COVID-19 tests until 12 months after the end of the public health emergency declared by the U.S. Secretary of Health & Human Services on January 31, 2020. This expiration does not apply to viral and serology COVID-19 tests cleared by the FDA. These tests must be conducted at a pharmacy or other facility that is certified or operating under a certificate of waiver from CMS pursuant to the federal Clinical Laboratory Improvement Amendments.

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HIGHER EDUCATION

Senate Bill 81

Extension of Automatic Repeals Related to Nonlapsing Revenue at Institutions of USG and TCSG; Office of College and Career Academies

Sponsor: Senator Mullis of the 53rd and Representative Martin of the 49th

Effective Date: Upon Governor’s Approval (Signed on May 6, 2021; Act 252)

Georgia law currently provides that revenue collected by institutions in the University System of Georgia and the Technical College System of Georgia from tuition, departmental sales or services, continuing education fees, technology fees, or indirect cost recoveries shall not lapse. These provisions are set to automatically repeal on June 30, 2021. This bill extends the date on which these provisions will automatically repeal to July 1, 2026. The bill also requires that, no later than October 15 of each year, USG and TCSG must submit to the Governor, the chairperson of the House Committee on Appropriations, and the chairperson of the Senate Appropriations Committee a report of all nonlapsing revenue provided for in the Code section from the preceding fiscal year, the anticipated plans for use of such nonlapsing revenue, the actual expenses paid for from nonlapsing revenue from the previous fiscal year, and the cumulative balance of nonlapsed revenue. Additionally, the bill changes the name of the Office of College and Career Transitions to the Office of College and Career Academies and tasks the Office with ensuring technical skill development among college and career academies.

Senate Bill 107**Tuition Waivers for Adopted and Foster Students at Institutions of TCSG; In-State Tuition for Students from Homeless Situations****Sponsor: Senator Strickland of the 17th and Representative Reeves of the 34th****Effective Date: July 1, 2021 (Signed on May 3, 2021; Act 139)**

This bill repeals Code Section 20-3-660, relating to grant programs created, applications and eligibility, duties of the Division of Family and Children Services (“DFCS”), expenses and fees covered, and reports by the Education Coordinating Council. The bill enacts a new Code Section 20-3-660, which provides for the waiver of tuition and fees, including mandatory rooming and board fees, for qualifying foster and adopted students by units of the Technical College System of Georgia (“TCSG”). Additionally, the bill provides that students who meet the eligibility criteria for postsecondary tuition waivers are also eligible for waivers of tuition, fees, and testing costs to obtain a GED from a unit of TCSG. Finally, the bill provides for in-state tuition at units of USG and TCSG for students from homeless situations who meet certain eligibility criteria provided in the bill.

Senate Bill 187**Waiver of Certain HOPE Eligibility Requirements for Students with Disabilities****Sponsor: Senator Tippins of the 37th and Representative Wiedower of the 119th****Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 229)**

Under current Georgia law, a student may receive the HOPE scholarship until the first of these events: (1) The student has earned a baccalaureate or first professional degree; (2) The student has attempted at any postsecondary institution a total of 190 quarter hours or 127 semester hours; or (3) Seven years from the student's high school graduation if the student received a HOPE scholarship for the first time between July 1, 2011, and June 30, 2019, or ten years from the student's high school graduation if the student received a HOPE scholarship for the first time on or after July 1, 2019. This bill establishes a procedure for students with a disability, as defined by the federal Americans with Disabilities Act and which prevents or substantially inhibits full-time academic study, to apply to the Georgia Student Finance Commission for a limited waiver from the applicable year limit. Such application for a limited waiver must be considered and determined by the Georgia Student Finance Commission in accordance with its rules and regulations.

Senate Bill 204**Technical College System of Georgia – Pilot Program to Award High School Diplomas****Sponsor: Senator Tippins of the 37th and Representative Martin of the 49th****Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 253)**

This bill requires the TCSG Board to coordinate with the State Board of Education, the Department of Education, the Department of Juvenile Justice, the Department of Corrections, and the Office of Planning and Budget, to establish a pilot program to allow students who meet eligibility requirements to qualify for enrollment in the Dual Achievement Program at a participating unit of the technical college system and, upon successful completion of the program, be awarded a high school diploma. The TCSG Board and the State Board of Education are authorized to waive or provide variances to state rules, regulations, policies, and procedures that may be reasonably necessary to meet the goals of the pilot program. Such waivers or variances will automatically expire after three years unless an earlier expiration is provided for. Additionally, the TCSG Board and the State Board of Education may seek such waivers or variances of federal laws, rules, regulations, policies, and procedures. The pilot program may include up to five units of the technical college system from various geographic areas in the state for a period of five years. No later than February 1 each year during the program, the TCSG Board must provide to the General Assembly a report on the program and recommendations for its continued use, along with a comprehensive list of waivers or variances requested pursuant to this program, a statement of necessity for each request, and whether each request was granted in whole or in part. The bill provides a sunset of July 1, 2026.

House Bill 152

Nonpublic Postsecondary Educational Institutions Operating on Military Bases

Sponsor: Representative Wiedower of the 119th and Senator Payne of the 54th

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 230)

Under current law, any nonpublic postsecondary educational institution whose students participate in either state or federally funded student financial aid programs is subject to regulation by the Nonpublic Postsecondary Education Commission (“commission”), subject to certain exemptions. Current law provides an exemption for nonpublic postsecondary educational institutions conducting postsecondary activity on the premises of military installations located in this state which are solely for military personnel stationed on active duty at such military installations, their dependents, or Department of Defense employees and other civilian employees of that installation. Additionally, this bill clarifies that the executive director has the sole discretion to determine whether the inspection of the physical facility must be conducted on the site of the institution or through alternative methods, including, but not limited to, remote inspection conducted through use of electronic equipment. Finally, this bill revises provisions related to surety bonds, filing, amount, release of surety, and suspension upon release of surety by creating additional subcategories for gross tuition and the corresponding required bond amounts for nonpublic colleges and universities with gross tuition amounts above \$1 million.

House Bill 606

Georgia Independent School Association Accreditation

Sponsor: Representative Nix of the 69th and Senator Brass of the 28th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 201)

The bill adds the Georgia Independent School Association to the list of accrediting agencies for purposes of high school eligibility for HOPE scholarships and grants.

House Bill 617

Student Athletes Compensated for Use of Name, Image, and Likeness

Sponsor: Representative Martin of the 49th and Senator Cowsert of the 46th

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 228)

The bill authorizes collegiate student athletes at public and private universities to be compensated for the commercial use of their name, image, and likeness, pending federal approval and/or regulation. A scholarship from a postsecondary institution providing the student with all or part of the cost of attendance is not compensation for purposes of this bill, and a student athlete’s scholarship may not be revoked or adversely impacted as a result of him or her earning compensation or obtaining representation as provided for in this bill. The bill prohibits student athletes from entering contracts to provide such compensation if a provision of such contract is in conflict with the student athlete’s team contract, and requires certain disclosures by the student athlete regarding such contracts. The bill requires institutions to conduct financial literacy and life skills workshops for a minimum of five hours at the beginning of the student athlete’s first and third academic years. The bill prohibits institutions from adopting or maintaining any policy, regulation, rule, standard, or other requirement that prevents a student athlete of such institution from earning compensation as a result of the use of such student’s name, image, or likeness.

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INSURANCE AND LABOR

Senate Bill 43

Noncovered Eye Care Services Act

Sponsors: Senator Brass of the 28th; Representative Gambill of the 15th

Effective Date: Applies to all contracts entered or renewed on and after July 1, 2021 (Signed on May 6, 2021; Act 248)

This bill adds several acts that constitute unfair methods of competition or unfair or deceptive acts or practices within the Insurance Code. The bill prohibits insurers from:

1. Requiring an ophthalmologist or optometrist to accept payment amounts set by the insurer for noncovered eye services as a condition to join or participate in its network;
2. Drafting or circulating explanations of benefit forms that directly or indirectly state or imply that an ophthalmologist or optometrist should extend discounts to patients for noncovered eye care services; and
3. Requiring ophthalmologists and optometrists within its provider network to extend discounts on services that are not covered eye care services.

Senate Bill 80

Ensuring Transparency in Prior Authorization Act

Sponsors: Senator Kirkpatrick of the 32nd; Representative Newton of the 123rd

Effective Date: Applies to all contracts entered or renewed on and after January 1, 2022 (Signed on May 10, 2021; Act 266)

This bill amends Chapter 46 of Title 33, governing private review agents, by adding a framework that private review agents and utilization review entities in healthcare service utilization must follow when reviewing and adjudicating requests for prior authorization in the provision of healthcare services. The bill requires that prior authorization requirements and restrictions be accessible to providers and not be changed until an insurer's website is updated to reflect changes and that clinical criteria for adverse determinations be disclosed with the notification of the adverse determination. Furthermore, the bill sets out qualifications for health care providers conducting utilization reviews and appeals, and provides limitations, restrictions, and guarantees of prior authorization applicability.

Senate Bill 169

Acceptance of Electronic Signatures, Electronic Corporate Seals on Bonds in Public Contracting

Sponsors: Senator Walker of the 20th; Representative Gunter of the 8th

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 215)

This bill requires public procurement officers to accept electronic signatures and electronic corporate seals on bonds for performance and payment bonds in public contracts, contracts with the Department of Transportation, and bid bonds with local government public works.

House Bill 146

Paid Parental Leave for Eligible State, Local Board of Education Employees

Sponsors: Representative Gaines of the 117th; Senator Miller of the 49th

Effective Date: July 1, 2021 (Signed on May 5, 2021; Act 225)

This bill gives eligible employees of the executive, legislative, and judicial branches of state government and of local boards of education up to 120 hours of paid parental leave after a qualifying life event and six months of continuous service. The employee is entitled to take up to 120 hours of paid leave during any rolling 12 month period. Unused parental leave has no cash value and remaining leave cannot be carried over for future use. Hourly employees are eligible if they have worked a minimum of 700 hours over the six-month period preceding the requested paid parental leave start date. Employing entities and the State Personnel Board must promulgate rules to carry out this bill, to include that the employing entity determine whether paid parental leave should run concurrently with leave provided under federal law.

House Bill 205

Revising Travel Insurance Regulations

Sponsors: Representative Noel Williams of the 148th; Senator Brass of the 28th

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 181)

This bill revises the current framework provided in state law for travel insurance by adding that emergency evacuation, repatriation of remains, or any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the Insurance Commissioner constitutes travel insurance. The bill authorizes any person licensed as an insurance producer in a major line of authority to sell travel insurance. Furthermore, the bill requires that travel insurers pay taxes levied on premiums at a rate of 2 1/4 percent of the gross direct premiums received by each insurer in a calendar year.

House Bill 241

Motor Vehicle Insurance Coverage Expansion and Property Insurance Cancellations

Sponsors: Representative Gambill of the 15th; Senator Robertson of the 29th

Effective Date: July 1, 2021 (Signed on May 3, 2021; Act 149)

This bill provides that "property insurance" includes contracts for the repair or replacement of wheels on a motor vehicle damaged by coming into contact with road hazards. Furthermore, coverage for the repair, replacement, or maintenance of a motor vehicle, or indemnification for the repair, replacement, or maintenance for excess wear, resulting in lease-end excess wear and use charges assessed by a lessor pursuant to a motor vehicle lease agreement, constitutes a contract for property insurance. Contracts regulated as property insurance are cancelable by the holder for a full refund, minus any claims paid, if the holder cancels within 20 days of the date of the contract's mailing, and, alternatively, is cancelable within ten days of delivery if delivered at the time of sale, or within a longer period if provided in the contract. The bill provides that if an issuer cancels such contract, notice of such cancellation must be given to the holder in writing no less than 30 days prior to the effective date of cancellation. The holder must be refunded 100 percent of the unearned pro rata purchase less any claims paid. The issuer may charge a fee not to exceed ten percent of the unearned pro rate purchase price.

House Bill 244

Authorizing Counties to Use County Taxes from Insurers for Flood Risk Reduction

Sponsors: Representative Hogan of the 179th; Senator McNeill of the 3rd

Effective Date: Upon Governor's Approval (Signed on April 21, 2021; Act 20)

This bill provides that county taxes levied on insurance companies operating in this state can be used for flood risk reduction. This does not apply to life insurers.

House Bill 254

Insurance Adjuster and Public Adjuster Regulations

Sponsors: Representative Lumsden of the 12th; Senator Robertson of the 29th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 185)

Two types of adjusters are addressed in this bill: independent adjusters and public adjusters. Both are currently provided for under state law, with public adjusters being unlicensed. This bill provides for public adjuster licensing by the Insurance Commissioner, imposes a fiduciary duty upon public adjusters, and provides that rules to implement adjuster regulations must include:

1. The qualifications for adjusters necessary to promote the public interest;
2. The regulation of the conduct of adjusters;
3. The prescription of fees not prescribed elsewhere that are necessary to cover the cost of filings or other administrative costs; and
4. The regulation of applicable advertisements.

House Bill 454

Insurer to Reimburse Providers at In-network Rates When Provider Was Listed on Provider Directory; Right to Shop Act Effective Date Change

Sponsors: Representative Newton of the 123rd; Senator Kirkpatrick of the 32nd

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 195)

This bill requires insurers to provide in-network coverage for 180 days following a provider dropping from the network when such provider was in-network at the time a prospective covered person selects their plan during open enrollment. The bill also prohibits insurers from terminating a provider from their network during a public health emergency for 150 days. Exceptions to required coverage are provided in the case of a provider terminating participation, fraud, and in the case insurers accurately disclose a future termination date for the provider on their website. Additionally, the bill provides that the effective date of the Right to Shop Act is January 1, 2022. Currently, the Right to Shop Act takes effect July 1, 2021.

House Bill 509

Offer of Health Insurance Policy Without Regard to Preexisting Conditions

Sponsors: Representative Gaines of the 117th; Senator Strickland of the 17th

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 235)

This bill requires health insurers to offer at least one reasonably priced comprehensive major medical health insurance policy that does not exclude, limit, deny, or delay coverage due to one or more preexisting medical conditions. The bill provides that such requirement take effect no later than 30 days after the “operative date,” defined as when any federal law repeals the Patient Protection and Affordable Care Act (“PPACA”) or the Supreme Court invalidates the PPACA. This comprehensive major medical health insurance policy must be one that the insurer has actively marketed in Georgia as of the operative date and also during the year immediately preceding the operative date.

House Bill 532

GDOL Service Address; Updates to “On” and “Off” Extended Benefit Periods

Sponsors: Representative Werkheiser of the 157th; Senator Harbin of the 16th

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 289)

This bill requires that all legal documents must be served on the Labor Commissioner or the Georgia Department of Labor (“GDOL”) at the Department’s Legal Section, Suite 600, 148 Andrew Young International Boulevard, N.E., Atlanta, Georgia 30303-1751. Additionally, the bill removes outdated references to federal law pertaining to unemployment compensation programs and revises the determinations for whether the state is “on” or “off” for the purposes of extended benefit periods.

House Bill 714

Georgia Civil Practice Act in Motor Vehicle Injury or Death Settlement Offers; Proper Venue for MARTA Actions

Sponsor: Representative Kelley of the 16th; Senator Kennedy of the 18th

Effective Date: Applies to any action accruing on or after July 1, 2021 (Signed on May 4, 2021; Act 203)

This bill amends the Georgia Civil Practice Act by providing that any offer to settle made prior to the filing of an answer in a personal injury, bodily injury, or death arising from the use of a motor vehicle and prepared with an attorney must be in writing. The offer must include whether any release is full or limited with an itemization of what the claimant(s) will provide to each releasee, medical records, and insurance disclosures. The party making the offer can require payment not less than 40 days from the receipt of the offer. Additionally, the bill provides that a bad faith refusal by an insurer to pay an insured for any covered loss within 60 days will be liable for an amount in addition to any recovery for not more than 25 percent of the recovery, or \$25,000.00, whichever is greater. Finally, the bill provides that Fulton County State Court is an appropriate venue for actions to enforce the Metropolitan Atlanta Rapid Transit Authority Act of 1965. Currently, the language states only the Superior Court of Fulton County.

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JUDICIARY

Senate Bill 9

Creates a New Judicial Circuit of the Superior Courts (Columbia Judicial Circuit)

Sponsors: Senator L. Anderson of the 24th and Representative Newton of the 123rd

Effective Date: July 1, 2021 (Signed on March 25, 2021; Act 7)

This bill creates the Columbia Judicial Circuit in Columbia County, effective July 1, 2021. The Columbia Judicial Circuit will have three judges (who are currently judges of the Augusta Judicial Circuit and residents of Columbia County) and a district attorney. The first district attorney of the Columbia Judicial Circuit will be appointed by the Governor for a term beginning July 1, 2021 and expiring December 31, 2022. This bill reduces the number of superior court judges for the Augusta Judicial Circuit from eight to five following the creation of the separate Judicial Circuit for Columbia County and provides for the transfer of certain funds from the Augusta Judicial Circuit to the Columbia Judicial Circuit. This bill provides for how the remaining counties in the Augusta Judicial Circuit will divide up and pay for the circuit-wide costs and expenditures and the payment of certain supplements for salaries and expenses of the judges and district attorney for the Augusta Judicial Circuit. The bill also addresses the payment of retirement supplements to senior or retired judges from the Augusta Judicial Circuit and the Columbia Judicial Circuit.

Senate Bill 28

Revising Definitions of “Sexual Exploitation”; Revises Statute regarding Mandatory Reporting of Suspected Child Abuse; Juvenile Court Intake Officers; Temporary Alternatives to Foster Care; When the Court Can Consider Hearsay Evidence in Certain Hearings; Child Placement and Return to a Parent, Guardian, or Legal Custodian

Sponsors: Senator Hatchett of the 50th and Representative Reeves of the 34th

Effective Date: January 1, 2022 (Signed on May 3, 2021; Act 138)

Code Section 16-6-9 currently provides that a person, 18 years of age or older, commits the offense of prostitution when he or she performs or offers or consents to perform a sexual act, including, but not limited to, sexual intercourse or sodomy, for money or other items of value. This bill revises the definitions of the term “sexual exploitation” in the following Code sections by striking the offense of prostitution and replacing prostitution in those definitions with sexual servitude, as defined in Code Section 16-5-46: (1) Code Section 15-11-2, definitions for the Juvenile Code; (2) Code Section 19-7-5, definitions relating to mandatory reporting of child abuse; (3) Code Section 19-15-1, definitions relating to child abuse; and (4) Code Section 49-5-40, confidentiality of records regarding child abuse. This bill revises the training requirements for juvenile court intake officers who exercise the authority to remove a child from his or her home. The bill modifies the statute regarding temporary alternatives to foster care and related orders. The bill adds provisions regarding the evidence the court may consider (including when hearsay evidence may be considered) in the preliminary protective hearing, in hearings regarding the case plan and permanency plan and for periodic review, and in hearings following termination proceedings or surrender of parental rights. This bill revises provisions regarding the timing for an adjudication hearing in a dependency proceeding for a child in a temporary alternative to foster care. The bill also revises the current law regarding the presumption in favor of continuing the child’s placement with his or her current caregivers, to provide that the presumption will not apply to prevent the return of the child to his or her parent, guardian, or legal custodian.

Senate Bill 32

Professional Licensing Boards Division of the Secretary of State Roster Not to Disclose Homes Addresses of Licensees; Georgia Open Records Act and Personal Mobile or Wireless Telephone Number of Public Employees; Definition of “Public Employee”

Sponsors: Senator Brass of the 28th and Representative Gullett of the 19th

Effective Date: Upon Governor’s Approval (Signed on May 6, 2021; Act 247)

Current law provides that the director of the Secretary of State’s professional licensing boards division will prepare and maintain a roster containing the names and addresses of all current licensees for each of the various professional licensing boards. A copy of this roster will be available to any person upon request at a fee prescribed by the division director sufficient to cover the cost of printing and distribution. This bill provides that the roster that is available to the public will exclude the home addresses of licensees. This bill also revises the Code section related to exceptions from public

disclosure under the Georgia Open Records Act to include an exception for the personal mobile or wireless telephone numbers of public employees. This bill revises the definition of “public employee” for this exception for disclosure of certain personal information related to public employees to include officers, employees, or former employees of the federal government or its agencies, departments, or commissions.

Senate Bill 33

Civil Cause of Action for a Victim of Human Trafficking and a Cause of Action by the Attorney General

Sponsors: Senator Dixon of the 45th and Representative Bonner of the 72nd

Effective Date: July 1, 2021 (Signed on April 27, 2021; Act 28)

This bill adds a new Code section to Title 51 (Torts) to provide that an individual who is a victim of trafficking for labor or sexual servitude under Code Section 16-5-46 will have a cause of action against any perpetrator of that human trafficking violation and may recover damages and reasonable attorney’s fees. The bill provides that any such civil action brought by a victim of human trafficking will be stayed during the pendency of any criminal action arising out of the same occurrence in which the individual is the victim. The bill further provides that, notwithstanding any other law to the contrary, a civil action by a victim of human trafficking may be brought within ten years after: (1) the cause of action arose; or (2) the victim reaches 18 years of age, if the victim was a minor at the time of the alleged violation. The bill also provides that, when the Attorney General has reasonable cause to believe an interest of the citizens of the State has been or is threatened or adversely affected by a perpetrator, the Attorney General will have a cause of action against that perpetrator of human trafficking on behalf of the State and can obtain appropriate relief.

Senate Bill 34

Victim of Human Trafficking Petitioning for a Name Change

Sponsors: Senator Dixon of the 45th and Representative Bonner of the 72nd

Effective Date: July 1, 2021 (Signed on April 27, 2021; Act 29)

This bill provides for a victim of human trafficking who is petitioning the court for a name change to be able to file the petition under seal. The bill permits the court to issue an order waiving the requirements of publication related to a petition for a name change if the court determines the petitioner is a victim of human trafficking.

Senate Bill 75

Tenant May Terminate a Residential Rental or Lease Agreement When a Civil Stalking Order or Criminal Stalking Order Has Been Issued, Following Required Notice to Landlord

Sponsors: Senator K. Jackson of the 41st and Representative Gaines of the 117th

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 236)

This bill provides that a tenant may terminate his or her residential rental or lease agreement effective 30 days after providing the landlord with a written notice of termination when a civil stalking order or a criminal stalking order has been issued protecting the tenant or his or her minor child, or protecting the tenant when he or she is as joint tenant, or his or her minor child, even when the protected tenant had no obligation to pay rent to the landlord. The bill defines “civil stalking order” to mean (A) any protective order issued pursuant to Code Section 16-5-94 (relating to restraining orders and protective orders regarding stalking), provided that the respondent was present or had notice of the hearing that resulted in the issuance of that order; or (B) any ex parte temporary protective order issued pursuant to Code Section 16-5-94, provided that the order is accompanied by a police report showing a basis for that order. The bill defines “criminal stalking order” to mean: (A) any order of pretrial release issued as a result of an arrest for an act of stalking under Article 7 of Chapter 5 of Title 16; or (B) any order for probation issued as a result of a conviction or plea of guilty, nolo contendere (no contest), or first offender to an act of stalking under Article 7 of Chapter 5 of Title 16. The bill will apply to all residential real estate rental or lease agreements entered into on or after July 1, 2021, and to any renewals, modifications, or extensions of those agreements entered into on or after that date.

Senate Bill 78

Providing for Additional Criminal Offenses related to Electronic Transmission or Posting of Photography or Video Depicting Nudity or Sexually Explicit Conduct of an Adult Without the Consent of the Depicted Person

Sponsor: Senator H. Jones II of the 22nd and Representative T. Smith of the 18th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 207)

This bill provides that a person commits a felony when he or she knowingly and without the consent of the depicted person, electronically transmits or posts, or causes the electronic transmission or posting, of a photograph or video which depicts nudity or sexually explicit conduct of an adult, including a falsely created videographic or still image, when the transmission or post is harassment or causes financial loss to the depicted person and serves no legitimate purpose to the depicted person, and is transmitted or posted to a website, peer-to-peer file-sharing site, thumbnail gallery, movie gallery post, linked list, live webcam, web page, or message board, that advertises or promotes its service as showing, previewing, or distributing sexually explicit conduct. These felony offenses are punishable by imprisonment for one to five years, a fine up to \$100,000, or both. Upon the second and all subsequent convictions, the offender will be guilty of a felony, punishable by imprisonment for two to five years, a fine up to \$100,000, or both. If the offender electronically transmitted or caused the electronic transmission of these images or video via any other electronic means that does not fall within the categories above, he or she is guilty of a misdemeanor of a high and aggravated nature for the first offense, and with a second or subsequent violation, he or she is guilty of a felony, which is punishable by imprisonment for one to five years, a fine up to \$100,000, or both.

Senate Bill 85

The Max Gruver Act

Sponsors: Senator Albers of the 56th and Representative Ballinger of the 23rd

Effective Date: July 1, 2021 (Signed on May 3, 2021; Act 144)

O.C.G.A. § 16-5-61(b) makes it unlawful for any person to haze any student in connection with or as a condition or precondition of gaining acceptance, membership, office, or other status in a school organization, and any person who violates this Code section is guilty of a misdemeanor of a high and aggravated nature. This bill adds to the definition of “haze” above in the current law, to provide that “haze” or “hazing” will also include coercing the student through the use of social or physical pressure to consume any food, liquid, alcohol, drug, or other substance which subjects the student to a likely risk of vomiting, intoxication, or unconsciousness regardless of a student's willingness to participate in such activity. The bill revises the definition of the term “school” in Code Section 16-5-61 to mean any unit of the University System of Georgia, any unit of the Technical College System of Georgia, or any private postsecondary school, college, or university in Georgia. The term “school organization” is revised to mean any association, corporation, order, club, society, fraternity, sorority, athletic team, or a group living together which has students or alumni as its principal members, including local affiliate organizations. The bill revises the definition of the term “student” to mean any person enrolled or prospectively enrolled in a school in Georgia. The bill requires that, no later than July 1, 2021, each school (as defined above) must establish policies to facilitate the: (1) reporting, investigation, provision of due process, and administrative adjudication of alleged incidents of hazing as related to students and student organizations; and (2) public disclosure of administrative adjudications of hazing or hazing related convictions within 15 calendar days of final adjudication or public notice of criminal conviction. The public disclosure of each incident of hazing adjudicated pursuant to the school's policies, criminal convictions for hazing pursuant to Code Section 16-5-61, and other criminal convictions arising from any incident of hazing will require the following minimum information be posted prominently on the school's website for a period of at least five years final adjudication or conviction: (1) the name of any school organization involved; (2) the date or dates on which the hazing occurred; and (3) a description of the specific hazing related findings, sanctions, adjudications, and convictions for any person or school organization. This required public disclosure will not include the personal identifying information of any individual student and will be subject to the requirements of the federal Family Education Rights and Privacy Act (“FERPA”).

Senate Bill 105

Terminating or Shortening Probation; Deadline for the Hearing on Terminating Probation; When a Behavioral Incentive Date is Required; Community Supervision Officer Report

Sponsors: Senator Strickland of the 17th and Representative T. Smith of the 18th

Effective Date: Upon the Governor's Approval (Signed on May 3, 2021; Act 151)

This bill makes certain revisions related to the termination of probation for a defendant who has no prior felony conviction and is convicted of felony offenses or who is charged with felony offenses and is sentenced with conditional discharge or as a first offender, and the court imposes a sentence of probation or not more than 12 months of imprisonment followed by a term of probation. Current law requires that a court include a behavioral incentive date in the sentencing order for such defendants, not to exceed three years from the date the sentence is imposed. The bill provides that a behavioral incentive date will in those circumstances, as a matter of law, be included in the sentencing order, but in a case where it was not, the behavioral incentive date will be three years from the date the sentence was imposed. This new subparagraph added by the bill regarding behavioral incentive dates is intended to be retroactive and applies to any case in which a person with no prior felony conviction was convicted of felony offenses or was charged with felony offenses and was sentenced to conditional discharge or as a first offender, and the court imposed a sentence of probation or a sentence of no more than 12 months of imprisonment, followed by probation. The bill provides that, when the court is presented with a petition to shorten the period of active probation supervision or unsupervised probation, the court must set the matter for a hearing as soon as possible but not more than 90 days after receiving the motion. The bill revises the categories of information that must be included in the community supervision officer's report and recommendation regarding the progress of a probationer who is serving a probated sentence of three years or more and provides for the Department of Community Supervision to notify the prosecuting attorney and provide the court with an order to terminate probation when early termination of probation is recommended for such probationers. The bill also revises provisions regarding the petition to terminate probation and the related hearing and court order.

Senate Bill 114

Prohibiting Professional Licensing Boards from Refusing to Grant a License or Revoking a License of an Individual Due Solely or in Part to that Person Being under Community Supervision for Certain Offenses

Sponsors: Senator Robertson of the 29th and Representative Momtahan of the 17th

Effective Date: Upon the Governor's Approval (Signed on May 4, 2021; Act 208)

This bill provides that, unless a felony or crime involving moral turpitude directly relates to the occupation for which the license is sought or held, a professional licensing board cannot refuse to grant a license to or revoke a license of a person due solely or in part to that person being under supervision by a community supervision officer for a conviction of a felony or any crime involving moral turpitude, as long as that offense was not a felony under Chapter 5 of Title 16 (crimes against the person) or a crime that requires registration on the state sexual offender registry.

Senate Bill 117

Creates the Offenses of Improper Sexual Contact by a Person in a Position of Trust in the First Degree and in the Second Degree; Revises the Sentence for Improper Sexual Contact by an Employee, Agent, or Foster Parent; Revises the Definition of "Dangerous Sexual Offense"

Sponsors: Senator Miller of the 49th and Representative Gaines of the 117th

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 237)

This bill creates the criminal offenses of improper sexual contact by a person in a position of trust in the first degree and in the second degree. The bill defines a "person in a position of trust" to mean an individual with whom a parent, guardian, or other person standing in loco parentis of a minor has entered into an agreement entrusting such individual with the responsibility of education and supervision of such minor; provided, however, that no such status will exist when the terms of the agreement have been satisfied or terminated and the minor is no longer under the supervision of such individual. The bill also revises the sentences for improper sexual contact by an employee, agent, or foster parent in the first degree and in the second degree. The bill also revises the definition of

“dangerous sexual offenses” in Code Section 42-1-12 for convictions occurring after June 30, 2021, to add improper sexual contact by a person in a position of trust in the first or second degree, unless the punishment was not subject to Code Section 17-10-6.2 (special rules for sentencing for certain enumerated sexual offenses) and to also clarify language to reflect that the term “dangerous sexual offenses” only include felony sexual offenses.

Senate Bill 143

Revising Language for Affidavit of Nonpayment relating to Mechanics and Materialmen Waiver and Release of Lien and Bond Rights

Sponsors: Senator Tippins of the 37th and Representative T. Jones of the 25th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 210)

This bill revises the statutory form for an Affidavit of Nonpayment under Code Section 44-14-366 to provide that it is deemed sufficient when a copy of the affidavit (instead of the lien) is sent to the company's address or the registered agent's address when the property owner is an entity that is on file with the Secretary of State's Corporations Division. This bill is clean-up following 2020 Senate Bill 315, which became effective law on January 1, 2021.

Senate Bill 163

Suspension of Statutory Speedy Trial Requirements Following a Judicial Emergency

Sponsors: Senator Strickland of the 17th and Representative Gunter of the 8th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 213)

This bill authorizes the chief judge of a superior court judicial circuit or a chief judge of a state court to suspend, toll, extend, modify, or otherwise grant relief from statutory speedy trial requirements following a judicial emergency if compliance with those requirements is impracticable, subject to certain requirements. The chief judge must certify that, under the totality of the circumstances arising from the preceding judicial emergency, compliance with the statutory speedy trial requirements is impracticable in the applicable county or court following a judicial emergency due to the following factors: (1) a pending criminal case volume that is substantially above the average pending criminal case volume at the end of each of the three full calendar years preceding the judicial emergency; (2) an annualized criminal case clearance rate in the current calendar year that is substantially below the average criminal case clearance rate for each of the three full calendar years preceding the judicial emergency; (3) the number of speedy trial demands pending within one month of the date of certification; (4) the number of jury trials held during the last full term of court; (5) ongoing space limitations or other health or safety concerns regarding the use of the facilities available to conduct criminal trials and related activities; (6) the limited availability of judges, courtroom personnel, prosecutors, public defenders, expert witnesses, forensic analysis, law enforcement officers, or other relevant persons; (7) the extent of efforts made by prosecuting attorneys and the court to reduce the number of criminal defendants held in custody awaiting trial; and (8) other relevant facts that justify ongoing relief from statutory speedy trial requirements, if any. The bill states that this new provision regarding relief from statutory speedy trial requirements will be in effect until June 30, 2023 and no order granting relief under this subsection will be issued after that date. The bill also provides for the Chief Justice of the Supreme Court of Georgia to reinstate any statutory speedy trial requirements.

Senate Bill 168

Annual Shareholders' Meetings or Special Shareholders' Meetings Held Wholly or Partially by Remote Communication

Sponsors: Senators Walker of the 20th and Representative Gunter of the 8th

Effective Date: Upon the Governor's Approval (Signed on April 27, 2021; Act 31)

This bill creates a new Code section to provide for circumstances under which a meeting of shareholders may be conducted by remote means, either wholly or partially. The bill provides that the shareholders and proxies will be deemed present in person and be permitted to vote at the shareholders' meeting, whether the meeting is held at a designated place or held solely by means of remote communication, provided that: (A) the corporation implements reasonable procedures to verify that each person deemed present and permitted to vote at the meeting by means of remote communication is a shareholder or holder of a proxy; (B) the corporation implements reasonable procedures to provide such shareholders and holders of proxies a reasonable opportunity to participate

in the meeting and to vote on matters submitted to such shareholders and holders of proxies, including, but not limited to, an opportunity to read or hear the proceedings of the meeting substantially concurrently with such proceedings; and (C) when any shareholder or holder of a proxy votes or takes other action at the meeting by means of remote communication, a record of such vote or other action must be maintained by the corporation. The bill also provides that, unless the articles of incorporation or bylaws provide otherwise, the board of directors may determine that an annual shareholders' meeting or a special shareholders' meeting be held wholly or partially by means of remote communication as authorized by this new Code section.

Senate Bill 185

Questions of Law Decided by a Court or the Georgia Tax Tribunal to Be Made Without Deference to Department of Revenue's Determinations or Interpretations; Exception for the Judicial Standard of Deference for Rules Promulgated Pursuant to the Georgia Administrative Procedure Act

Sponsors: Senator Hatchett of the 50th and Representative T. Jones of the 25th

Effective Date: Upon the Governor's Approval (Signed on April 29, 2021; Act 41)

This bill provides that, in certain legal matters specified in the bill, all questions of law decided by a court or the Georgia Tax Tribunal, including interpretations of constitutional, statutory, and regulatory provisions, will be made without any deference to any determination or interpretation, written or unwritten, that may have been made on the matter by the Department of Revenue, except that this requirement will have no effect on the judicial standard of deference accorded to rules promulgated pursuant to the Georgia Administrative Procedure Act. This bill will be applicable to all proceedings commenced with the Georgia Tax Tribunal or a superior court of Georgia on or after the bill's effective date.

Senate Bill 234

Georgia Uniform Mediation Act

Sponsors: Senator Kennedy of the 18th and Representative Leverett of the 33rd

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 268)

This bill creates a new Chapter in Title 9 (Civil Practice) related to mediations, including privileges against disclosure for mediation communications, waivers and exceptions to that privilege under certain circumstances, and confidentiality. This bill includes provisions related to the impartiality of a mediator. This bill also provides for circumstances under which an international commercial mediation will be governed by the Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation.

Senate Bill 238

Portions of the Official Code of Georgia That Will Be Considered Enacted by the General Assembly and Portions That Will Not Be Considered Enacted; Revising the Duties and Powers of the Code Revision Commission

Sponsored by: Senator Strickland of the 17th and Representative Efration of the 104th

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 306)

This bill revises Code Section 1-1-1, relating to enactment of the Official Code of Georgia ("O.C.G.A."). The bill provides that the following portions contained in the O.C.G.A., including all supplements and revised versions, will be considered enacted by the General Assembly: (1) statutory text; and (2) arrangement and numbering system, including, but not limited to, title, chapter, article, part, subpart, Code section, subsection, paragraph, subparagraph, division, and subdivision numbers and designations. The bill provides that other materials will not be considered enacted by the General Assembly, will have bear no additional weight or effect and will not be construed to have the imprimatur of the General Assembly by virtue of its inclusion in the O.C.G.A. This bill strikes and reserves Code Section 1-1-7, relating to descriptive headings, citations and notes, and other portions that are not part of law. The bill also revises the powers and duties of the Code Revision Commission.

House Bill 94

Theft by Possession of Stolen Mail and Porch Piracy

Sponsors: Representative Rich of the 97th and Senator Kennedy of the 18th

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 269)

This bill adds a new Code section to create the criminal offense of theft by possession of stolen mail, which a person commits when he or she: (1) possesses stolen mail addressed to three or more different mailboxes or addresses; and (2) possesses a minimum of ten separate pieces of stolen mail. The bill provides that each set of ten separate pieces of stolen mail addressed to three or more different mailboxes or addresses constitutes a separate and distinct crime and may be punished accordingly. This bill also adds a new Code section to create the criminal offense of porch piracy. A person will be guilty of the crime of porch piracy if he or she takes, removes, or otherwise appropriates three or more envelopes, bags, packages, or other related articles of another person without the permission of such other person from the porch, steps, or immediate vicinity of any entrance or exit of a dwelling of three or more different mailboxes or addresses. Both of these new offenses are felonies, punishable by imprisonment for one to five years, or in the discretion of the trial judge, as for a misdemeanor.

House Bill 112

Extending the Applicability of the Georgia COVID-19 Pandemic Business Safety Act to Include Causes of Action Accruing until July 14, 2022

Sponsors: Representative Kelley of the 16th and Senator Strickland of the 17th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 175)

This bill provides that the Georgia COVID-19 Pandemic Business Safety Act, which was enacted in 2020 Senate Bill 359 and which currently applies to causes of action accruing until July 14, 2021, will apply to causes of action accruing until July 14, 2022. The Georgia COVID-19 Pandemic Business Safety Act provides that no healthcare facility, healthcare provider, entity, or individual is liable for damages in an action involving a COVID-19 liability claim unless the claimant proves gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm. The Georgia COVID-19 Pandemic Business Safety Act also provides that, in an action involving a COVID-19 liability claim against an individual or entity for transmission, infection, exposure, or potential exposure of COVID-19 to a claimant on the premises of such individual or entity, there is a rebuttable presumption of assumption of risk when a ticket, receipt, or sign bearing notice of such waiver to liability is used by the individual or entity. There is also a rebuttable presumption of assumption of risk in such claims against healthcare facilities and healthcare providers where a sign advises that there is no liability that results from the inherent risks of COVID-19. Cases involving gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm are excluded from these rebuttable presumptions regarding the assumption of risk.

House Bill 154

Code Revisions Related to Adoption; False Representations Relating to a Pregnancy or Intentions to Place a Child for Adoption; Appointment of a Guardian for a Minor in DFCS Custody to Take Effect When the Minor Reaches Age 18

Sponsors: Representative Reeves of the 34th and Senator Hatchett of the 50th

Effective Date: July 1, 2021 (Signed on May 3, 2021; Act 140)

This bill makes various edits and revisions to Code sections related to adoption, including providing that a person who is 21 years of age can petition to adopt a child if other conditions are met. This bill provides that it is unlawful for an individual to make false representations regarding the existence of a pregnancy or the intention to place a child for adoption when that individual knows or should have known that the person purported to be pregnant is not pregnant or that the person purported to be offering the child for adoption has no intention of placing the child for adoption and such representations cause another to expend financial resources or take other specific steps. This bill revises the criminal penalty provision for a violation of Code Section 19-8-24 (relating to unlawful advertisements and inducements, prohibitions of the sale or an offer for sale of a child), to add that a person found guilty of a violation of this Code section will also be subject to a court order requiring him or her to make restitution to a victim harmed by the violation. The bill also provides that, within six months of the date a minor in the custody of the Division of Family and Children Services ("DFCS")

reaches age 18, DFCS may file a petition for the appointment of a guardian when the minor becomes an adult.

House Bill 231

Dating Violence and Extending the Applicability of Protective Orders

Sponsors: Representative Gaines of the 117th and Senator Strickland of the 17th

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 273)

This bill adds a new Chapter to Title 19 (domestic relations) relating to dating violence and provides for the issuance of certain protective orders regarding dating violence. The term “dating violence” means the occurrence of one or more of the following acts between persons through whom a current pregnancy has developed or persons currently, or within the last six months were, in a dating relationship: (A) any felony; or (B) commission of the offenses of simple battery, battery, simple assault, or stalking. The bill defines the term “dating relationship” to mean a committed romantic relationship characterized by a level of intimacy that is not associated with mere friendship or between persons in an ordinary business, social, or educational context; provided, however, that such term will not require sexual involvement. A protective order regarding dating violence can remain in effect for up to one year, and upon the motion of a petitioner and notice to the respondent and after a hearing, the court in its discretion may convert a temporary order to an order effective for up to three years or to a permanent order.

House Bill 258

Consent Not a Defense to Prosecution for Sexual Battery or Aggravated Sexual Battery When the Alleged Victim is Under the Age of 16; Exception for When the Alleged Victim is at Least 13 but Less Than 16 Years of Age and the Accused is 18 Years of Age or Younger and No More Than 48 Months Older Than the Alleged Victim

Sponsors: Representative Sainz of the 180th and Senator McNeill of the 3rd

Effective Date: July 1, 2021 (Signed on April 21, 2021; Act 16)

This bill provides that, when the alleged victim of a sexual battery or an aggravated sexual battery is under the age of 16 years and the conduct is for the purpose of sexual arousal on the part of the alleged offender or the alleged victim, consent of the alleged victim will not be a defense to prosecution for those offenses. However, if at the time of the offense the alleged victim is at least 13 but less than 16 years of age and the accused is 18 years of age or younger and no more than 48 months older than the alleged victim, this subsection regarding consent not being a defense will not be applicable.

House Bill 306

Annual Shareholders’ Meetings or Special Shareholders’ Meetings and Meetings of Members of Nonprofit Corporations Held Wholly or Partially by Remote Communication

Sponsors: Representative Gunter of the 8th and Senator Hatchett of the 50th

Effective Date: Upon Governor’s Approval (Signed on April 29, 2021; Act 37)

This bill includes provisions which are identical to Senate Bill 168, which provides for circumstances under which a meeting of shareholders may be conducted by remote means, either wholly or partially. In addition to those provisions, this bill also provides for circumstances under which a meeting of members of nonprofit corporations may be conducted by remote means, either wholly or partially. When authorized by the board of directors, and subject to such guidelines and procedures as the board of directors may adopt, members of the nonprofit corporation not physically present at a meeting of the nonprofit corporation may, by means of remote communication: (1) participate in a meeting of members; and (2) be deemed present in person and vote at a meeting of members, whether such meeting is held at a designated place or held wholly by means of remote communication, provided that: (A) the nonprofit corporation implements reasonable procedures to verify that each person deemed present at the meeting by means of remote communication is a member or holder of a proxy; and (B) when any member or holder of a proxy votes at the meeting by means of remote communication, a record of such vote or such other action must be maintained by the nonprofit corporation.

House Bill 327

Organized Retail Crime Prevention Act

Sponsors: Representative Momtahan of the 17th and Senator Albers of the 56th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 163)

This bill requires that, when a third party card dealer makes a sale or purchase of a stored value card, the third party card dealer must record certain information in a permanent record at the time of each purchase and provides certain criminal penalties related to the permanent record. The bill also requires that, after an official report is filed with a law enforcement agency by a person alleging to have been the victim of theft of one or more stored value cards with an aggregate value exceeding \$500, the agency may request that the issuer or the issuer's agents preserve and provide to law enforcement all relevant evidence reasonably foreseeable to assist in future criminal actions. The bill revises the definition of "retail property" in relation to retail property fencing to remove the requirement of "new." The bill provides for the court to have discretion to depart from minimum sentencing for certain repeat shoplifting or refund fraud offenders when the prosecuting attorney and defendant have agreed to a sentence below the mandatory sentence. The bill also creates the new offense of organized retail theft which is a felony, punishable by imprisonment for three to 20 years, a fine up to \$50,000, or both.

House Bill 363

Revisions Relating to Certain Offenses Against Persons Who Are 65 Years of Age or Older, Against Disabled Adults, or Against Residents of Long-term Care Facilities; Revising Definition of "Employee" for Improper Sexual Contact by an Employee or Agent and Protecting Individuals in a Program or Within a Facility as a Condition of Probation or Parole

Sponsors: Representative LaHood of the 175th and Senator Strickland of the 17th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 190)

The bill revises the definition of "exploit" for Article 8 of Chapter 5 of Title 16 (relating to crimes and offenses and protection of elder person) and provides for a definition for "abuse of access." This bill strikes and reserves the following: (1) the subsection of Code Section 16-5-20 (relating to the offense of simple assault) which currently provides that a person who commits a simple assault against a person who is 65 years of age or older will be punished for a misdemeanor of a high and aggravated nature; (2) the subsection of Code Section 16-5-23 (relating to the offense of simple battery) which currently provides that a person who is an employee, agent, or volunteer at a long-term care facility, assisted living community, personal care home, home health care, or hospice who commits a simple battery against a person who is admitted or receiving services will be punished for a misdemeanor of a high and aggravated nature; (3) the subsection of Code Section 16-5-23.1 (relating to the offense of battery), which currently provides that a person who is an employee, agent, or volunteer at a long-term care facility, assisted living community, personal care home, home health care, or hospice who commits a battery against a person who is admitted or receiving services will be punished by imprisonment for one to five years, a fine up to \$2,000, or both; and (4) the subsection of Code Section 16-8-12 (relating to penalties for theft offenses) which currently provides that a person who commits the offense of theft by deception of property exceeding \$500 when the person against whom the offense is committed is 65 years of age or older will, upon conviction, be punished by imprisonment for five to ten years.

This bill also revises the definition of "employee" in the offenses of improper sexual contact by an employee or agent to include sole proprietors, which is defined to mean an individual who is an owner or operator of a program or facility rendering services or housing to another as a condition of such other person's probation or parole and revises the first degree and second degree offenses of improper sexual contact by an employee or agent to also include in the classes of potential victims individuals who are in a program or within a facility as a condition of probation or parole.

House Bill 443

Georgia Structured Settlement Protection Act

Sponsors: Representative Leverett of the 33rd and Senator Hickman of the 4th

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 275)

This bill repeals in its entirety Article 4 of Chapter 12 of Title 51 (relating to the transfer of structured settlement payment rights) and replaces it with a new Article, to be known as the “Georgia Structured Settlement Protection Act.” The bill requires that a transferee or structured settlement purchase company register with the Secretary of State to do business in Georgia and secure a surety bond, have a letter of credit, or post a cash bond in the amount of \$50,000. The surety bond or letter of credit is intended to protect payees who do business with a structured settlement purchase company. The bill also provides a list of prohibited actions which a transferee or structured settlement company, and any of their employees or representatives, cannot engage in. If a court determines that a structured settlement purchase company or transferee engages in one of these prohibited actions, the court may revoke or suspend its registration for a period of time to be determined at the court’s discretion, or enjoin the structured settlement purchase company or transferee from filing new structured settlement transfer proceedings or pursuing transfers in Georgia. The bill also provides that a payee may pursue a private cause of action based on these prohibited actions and may recover all damages and pursue all rights and remedies to which the payee may be entitled under this new Article created by the bill, under the Fair Business Practices Act, or other applicable law. The bill also provides for certain circumstances under which a structured settlement company may pursue a private cause of action. This new Article created by this bill will apply to any transfer of structured settlement payment rights under a transfer agreement entered into on or after July 1, 2021.

House Bill 470

Plans for a Condominium Unit Other Than an Individual Single-Family Residential Dwelling When Boundaries of the Unit Are Not Designated by Walls, Floor, Ceilings, or Other Physical Structures; Separate Plat of Survey for a Subcondominium Not Required

Sponsors: Representative Washburn of the 141st and Senator Brass of the 28th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 197)

This bill revises Code Section 44-3-83 (relating to condominiums and contents of plats and plans) to provide that, except for a unit that is an individual residential dwelling intended for single-family occupancy, nothing in Code Section 44-3-83 will require plans for a unit when the boundaries of the unit are not designated by walls, floors, ceilings, or other physical structures, provided that the boundaries of the unit are depicted on a plat of survey prepared in accordance with O.C.G.A. § 44-3-83(a). The bill also provides that nothing in Code Section 44-3-83 will require a separate plat of survey for a subcondominium.

House Bill 479

Repeals and Reserves Article Regarding Citizen’s Arrest; Creates a New Article Regarding Certain Private Persons Detaining an Individual; Law Enforcement Officer Making an Arrest Without a Warrant Outside His or Her Agency’s Jurisdiction

Sponsors: Representative Reeves of the 34th and Senator Cowsert of the 46th

Effective Date: Upon the Governor’s Approval (Signed on May 10, 2021; Act 264)

This bill repeals and reserves Article 4 of Chapter 4 of Title 17, regarding citizen’s arrest. This bill provides that a private person may detain an individual if that private person is: (1) an owner of a retail establishment who has reasonable grounds to believe that the individual sought to be detained has committed or attempted to commit the offense of theft by shoplifting, refund fraud, or theft by unlawful use of retail sales receipts or Universal Product Code labels; (2) an owner of a food service establishment who has reasonable grounds to believe that the individual sought to be detained has committed or attempted to commit theft by taking or theft of services; (3) an owner of any business entity operating on their own property or on the property of others on which they are doing business who have reasonable grounds to believe that the individual sought to be detained has committed or attempted to commit theft by taking or theft of services; (4) a weight inspector when needed for purposes of performing his or her duties; or (5) a licensee or registrant under Chapter 38 of Title 43 (private detective business or private security business) when needed in the performance of his or her business. The bill also provides criteria under which a law enforcement officer may make an arrest

without a warrant outside of the jurisdiction of the agency by which he or she is employed. The bill also revises Code Section 51-7-60, to provide for when an owner or operator of a retail establishment or food service establishment or any agent or employee of those establishments will be free from tort liability for actions for false arrest or false imprisonment. This bill will not apply to rights or duties that matured, penalties that were incurred, or proceedings that began prior to the effective date.

House Bill 497

Code Revision Commission's Edits and Revisions to the Official Code of Georgia Annotated; Reenactment and Publication of the Official Code of Georgia Annotated

Sponsors: Representative Efrat of the 104th and Senator Strickland of the 17th

Effective Date: Upon the Governor's Approval (Signed on May 10, 2021; Act 307)

This bill provides for numerous edits and corrections to the O.C.G.A. as recommended by the Code Revision Commission. The bill provides for the reenactment of the statutory portion of the O.C.G.A. and publication through LEXIS Publishing. The bill also provides that the following portions will have the effect of law: (1) statutory text; and (2) the arrangement and numbering system. The bill also states that the following portions included in the O.C.G.A. are not enacted or reenacted, have no binding authority, bear no weight or effect, and will not be construed to have the imprimatur (acceptance or guarantee that something is of a good standard) of the General Assembly: (1) case annotations; (2) research references, including, but not limited to law reviews, collateral references to secondary sources, opinions of the Georgia Attorney General, advisory opinions of the State Bar, and cross-references; (3) captions; (4) catchlines; (5) headings; (6) Title and Chapter analyses; (7) history lines; (8) repeal lines; (9) editorial notes; (10) amendment notes; (11) Code Commission notes; (12) effective date notes; (13) tables; (14) User's Guide; (15) General Index; (16) volume indices; (17) indices related to local and special laws; (18) conversion tables; (19) the United States Constitution; (20) the Georgia Constitution; (21) rules and regulations of state agencies, departments, boards, commissions, or other entities; (22) material in brackets or parentheses and editorial, delayed effective date, effect of amendment, or other similar notes within the text of a Code section which has been added by the publisher in order to explain or to prevent a misapprehension concerning the contents of the Code section; and (23) any other matter published in the O.C.G.A. which is not in the list above regarding what portions of the O.C.G.A. are to have the effect of law.

House Bill 534

Knowingly Promoting or Organizing an Exhibition of Illegal Drag Racing or Laying Drags; Reckless Stunt Driving

Sponsors: Representative Bonner of the 72nd and Senator E. Jones of the 10th

Effective Date: Upon the Governor's Approval (Signed on May 3, 2021; Act 152)

This bill adds a new Code section to provide that any person who knowingly promotes or organizes an exhibition of illegal drag racing or of laying drags will be guilty of a misdemeanor of a high and aggravated nature. This bill adds a new Code section to provide for the criminal offense of reckless stunt driving and to provide penalties for the offense and related provisions. The bill provides that the motor vehicle operated by certain individuals who are habitual violators of the new Code section regarding reckless stunt driving will be declared contraband and will be subject to forfeiture and provides exception from forfeiture if the vehicle is the only family vehicle. The bill provides for the suspension of the driver's license of a person convicted of reckless stunt driving and provides for certain terms and conditions related to the suspension. The bill also revises Code Section 40-5-58, relating to determination of habitual violators and the revocation of driver's licenses and revises Code Section 40-5-64, relating to limited driving permits for certain offenders. This bill will apply to all offenses committed on and after the effective date.

House Bill 548

Access to Child Abuse Records by the Administrative Office of the Courts

Sponsors: Representative Dempsey of the 13th and Senator Hatchett of the 50th

Effective Date: July 1, 2021 (Signed on May 3, 2021; Act 135)

This bill provides for the Administrative Office of the Courts to have access to records concerning reports of child abuse to facilitate data sharing, collection, and analysis of the timeliness, permanency, and safety outcomes of children who were the subject to dependency actions and to terminate parental

rights. The bill also provides for the Administrative Office of the Courts to enter into agreements with DFCS as may be required to ensure compliance with HIPAA and federal regulations governing disclosure of protected health information.

House Bill 553

Hearings under the Georgia Administrative Procedure Act through Electronic Communications; Electronic Filing of Documents with the Office of State Administrative Hearings and Electronic Service; Department of Community Health a Reviewing Agency
Sponsors: Representative Gunter of the 8th and Senator Hatchett of the 50th

Effective Date: Upon the Governor's Approval (Signed on April 29, 2021; Act 38)

This bill provides that, in contested cases under the Georgia Administrative Procedure Act, a hearing may be conducted by using remote electronic communication if all parties consent on the record and the procedure will not jeopardize the rights of any party to the hearing. This bill also provides that, in the administrative law judge's discretion, one or more witnesses may participate by remote electronic communications. The bill further provides that the Office of State Administrative Hearings ("OSAH") may require electronic filing of documents and that, except where alternative means are required by law, OSAH may serve any party electronically. OSAH may make available or transfer the record of any hearing to any party electronically. The bill also adds the Department of Community Health to the definition of "reviewing agency" in Code Section 50-13-41 (relating to hearings before the administrative law judge and review by a reviewing agency).

House Bill 562

Warrant to Arrest Division of Family and Children Services ("DFCS") Case Manager Must Be Issued by a Judge of the Superior Court, State Court, or Probate Court; Motion from Prosecuting Attorney to Change Venue If an Impartial Jury Cannot Be Obtained Under Certain Circumstances

Sponsors: Representative Carpenter of the 4th and Senator Strickland of the 17th

Effective Date: Upon the Governor's Approval (Signed on May 3, 2021; Act 137)

This bill requires that a warrant to arrest a DFCS case manager for an offense alleged to have been committed during the performance of his or her duties may only be issued by a judge of a superior court, state court, or probate court. This bill also provides that a prosecuting attorney may move for a change in venue if, in his or her judgment, an impartial jury cannot be obtained in the county where the crime is alleged to have been committed if (1) a previous prosecuting attorney has recused himself or herself, been disqualified, or has been removed from the case for cause; or (2) a local government official has publicly released prejudicial information which has the potential to have tainted the local jury pool. Upon hearing the motion, the judge will hear evidence by affidavit or oral testimony in support of or against the motion, but it will not be necessary to examine all persons in the county liable to serve on juries. If, from the evidence submitted, the judge is satisfied that an impartial jury cannot be obtained to try the case, the judge must grant a change in venue. The judge will transfer the case to any county that may be agreed upon by the requesting prosecuting attorney and the defendant or the defense counsel and the case will be tried in the agreed upon county. The judge has the discretion to reject any agreed upon county. If a county is not agreed upon, or if the judge, in his or her discretion, rejects an agreed upon county, the judge will select a county as in the judge's judgment will afford a fair and impartial jury to try the case and have it transferred accordingly.

House Bill 591

Marriage and Family Therapist May Perform Certain Acts Relating to Emergency Admission of a Person Who Appears to Be Mentally Ill and Requiring Involuntary Treatment or a Person Who Appears to Be an Alcoholic, a Drug Dependent Individual, or a Drug Abuser Requiring Involuntary Treatment; Data from Facilities and Annual Reporting
Sponsors: Representative Hogan of the 179th and Senator Kirkpatrick of the 32nd

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 280)

This bill provides that a marriage and family therapist may perform any act specified in Code Section 37-3-41 (relating to admission to an emergency receiving facility of a person who appears to be a mentally ill person requiring involuntary treatment) which that Code section specifies to be performed by a physician. This bill also provides that a marriage and family therapist may perform any act

specified in Code Section 37-7-41 (relating to admission to an emergency receiving facility of a person who appears to be an alcoholic, a drug dependent individual, or a drug abuser requiring involuntary treatment) which that Code section specifies to be performed by a physician. This bill requires emergency receiving facilities to report certain de-identified, aggregated data regarding certificates to the Department of Behavioral Health and Developmental Disabilities (“DBHDD”), which must prepare an annual report. DBHDD’s report must include: (1) the total number of certificates at the emergency receiving facility by county from which the certificate was issued; (2) the total number of certificates received at the emergency receiving facility by each type of licensed professional authorized under Code Section 37-3-41 and Code Section 37-7-41 respectively; (3) the total number of individuals examined in each emergency receiving facility designated or utilized by DBHDD in accordance with O.C.G.A. § 37-3-41(a) and O.C.G.A. § 37-7-41(a) respectively; and (4) the total number of individuals admitted to each emergency receiving facility designated or utilized by DBHDD following an examination in accordance with O.C.G.A. § 37-3-41(a) and O.C.G.A. § 37-7-41(a) respectively. DBHDD must submit these annual reports to the General Assembly, the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives during each regular legislative session.

House Bill 635

Judges Having the Ability to Lawfully Perform Judicial Acts, Regardless of Where the Judges Are Physically Located; Alternative Locations for Court Proceedings; Option for the Accused to Elect to a Bench Trial in Certain Criminal Cases; When an Accused Can Be Tried on Accusation

Sponsors: Representative Leverett of the 33rd and Senator Strickland of the 17th

Effective Date: Upon the Governor’s Approval (Signed on May 4, 2021; Act 202)

This bill provides that magistrates and judges of the superior court, state court, probate court, and municipal court will have the authority to perform any judicial act which he or she is lawfully entitled to perform, regardless of where the judge is located at the time the judicial act is performed. This bill also strikes language in current law that requires that the judge be physically located in Georgia when issuing a search warrant or arrest warrant. This bill also repeals and replaces Code Section 15-6-18, providing for alternative facilities for court proceedings for superior court or state court. This bill creates a new Code section which will be automatically repealed on June 30, 2022, to provide the option for the accused (other than in death penalty cases and trials involving a serious violent felony) to elect to have the criminal case tried in a bench trial without a jury. The bill revises Code sections relating to the trial of the accused on accusation and adds a new provision which will be repealed on June 30, 2022 to authorize the district attorney to prefer accusations and for the accused to be tried on accusations for felonies, other than a serious violent felony, in certain circumstances.

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NATURAL RESOURCES AND THE ENVIRONMENT

Senate Bill 119

Burn Permit Exception

Sponsor: Senator Harper of the 7th and Representative McDonald of the 26th

Effective Date: July 1, 2021 (Signed on May 7, 2021; Act 258)

This bill creates an exception to the requirement that any burning of woods, lands, marshes or other flammable vegetation must be first permitted by the forest ranger of the county wherein the burning is to take place, unless otherwise provided by local ordinance, or where prohibited by general law or regulation.

The exception provides that it will not be necessary to obtain a permit to burn leaf piles, yard debris, or hand-piled natural vegetation on the premises where they occur, so long as the: (1) Burning takes place between sunrise and sunset; (2) Location of the burn is no less than 25 feet from any woodlands, forestland, and/or open field that contains brush, grass, or other flammable material; (3) Location of the burn is not less than 50 feet from any structure, including outbuildings, sheds, barns, and homes; (4) Person responsible for the burn must attend it at all times until completely extinguished and there is no risk for the burn to escape control; (5) Person responsible for the burn must take necessary

precautions to prevent fire escape and/or spread from the original location; and (6) Person responsible will be liable for any resulting damage to adjacent properties.

Senate Bill 260

Soil Amendments Derived from Industrial By-Products; Buffers or Setback Requirement Restricted; Site-Specific Nutrient Management Plans; Fee for Approved Continuing Education Providers Associated with Certified Wastewater Operators

Sponsor: Senator Harper of the 7th and Representative Corbett of the 174th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 220)

The bill removes soil amendments derived from industrial by-products generated solely from forest products, except chemical by-products of pulp digestion, from those materials for which the Commissioner of Agriculture promulgates rules and regulations. The bill also limits the adoption and enforcement of local zoning ordinances requiring a buffer or setback of the distribution of soil amendments to 100 feet in width, and provides for the adoption of rules and regulations that require every owner and operator of a farm where soil amendments are being applied to procure a site-specific nutrient management plan and make a copy of such plan available for inspection at the request of the Department of Agriculture.

Additionally, the bill authorizes the State Board of Examiners for Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts to assess a registration fee to providers of continuing education associated with operating wastewater treatment plants, wastewater collection systems, water distribution systems, or public water supply systems.

House Bill 355

Establishes the Sustainable Building Material Carbon Sequestration Technical Advisory Committee; Adds Carbon Sequestering Building Materials to Georgia Carbon Sequestration Registry; Embodied Carbon Results Registry

Sponsor: Representative Wiedower of the 119th and Senator Harper of the 7th

Effective Date: July 1, 2021 (Signed on May 7, 2021; Act 257)

The bill creates the Sustainable Building Material Carbon Sequestration Technical Advisory Committee and charges the committee with advisory functions to support the incorporation of construction products that sequester carbon dioxide into the Georgia Carbon Sequestration Registry.

The bill also amends the Georgia Carbon Sequestration Registry to incorporate construction products that sequester carbon dioxide and adds requirements for reporting embodied carbon results arising from construction of buildings.

House Bill 362

Definitions for Bass and Trout; Muzzleloader Restrictions; Bag Limit Exception for Deer; Use of Minnow Seines

Sponsor: Representative Rhodes of the 120th and Senator Harper of the 7th

Effective Date: Upon Governor's Approval (Signed on April 27, 2021; Act 32)

The bill redefines "bass" and "trout" to include hybrids of each type of fish. It changes the caliber acceptable for muzzleloaders during primitive weapons season and when hunting deer and bear from 0.44 caliber or larger to 0.30 caliber or larger.

The bill allows the Department of Natural Resources to establish a deer management assistance program which may include fees and may prescribe property-specific bag limits without complying with the state-wide bag limits specified.

The bill also creates regulations on the use of minnow seines and minnow traps, and updates references to rules and regulations of Board of Natural Resources.

House Resolution 183

Recovering America's Wildlife Act; Urging Resolution in Support of Congressional Act

Sponsor: Representative Knight of the 130th and Senator Harper of the 7th

The resolution urges Congress to pass the Recovering America's Wildlife Act.

Currently, the federal government lacks a dedicated funding system to conserve at-risk species of animals and plants, but the Recovering America's Wildlife Act would provide permanent federal revenue for each state to enact its own plan for stabilizing and recovering its species in decline through an annual allocation of \$1.3 billion dedicated to state based conservation.

Further, with passage of the Recovering America's Wildlife Act, Georgia would be eligible for more than \$25 million annually to implement its State Wildlife Action Plan and support proactive conservation measures for species of greatest conservation need. This funding would be administered by the Georgia Department of Natural Resources Wildlife Resources Division and would reduce the likelihood for federal regulatory intervention by empowering state wildlife managers and private landowners to address conservation issues at the local level. [\[Return to Table of Contents\]](#)

PUBLIC SAFETY

Senate Bill 60

Georgia State Indemnification Program

Sponsors: Senator Thompson of the 14th and Representative Gravley of the 67th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 168)

This bill adds a heart attack, stroke, or vascular rupture suffered by a public safety officer (peace officer, firefighter, corrections officer, etc.) as another circumstance that would qualify a public safety officer for an indemnification payment under the Georgia State Indemnification Program. In order to qualify, the incident must have commenced:

1. While the public safety officer was performing work related activity;
2. While the public safety officer was on duty after performing work related activity; or
3. Within 24 hours after performing work related activity; and

Senate Bill 174

Unsecured Judicial Releases and Bail Restricted Offenses

Sponsors: Senator Gooch of the 51st and Representative Sainz of the 180th

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 216)

Current law defines an "unsecured judicial release" as any release on a person's own recognizance that does not purport a dollar amount through secured means or property as approved by the sheriff in the county where the offense was committed. This bill revises this definition to now mean any release that does not purport a dollar amount through secured means or property as approved by the sheriff in the county where the offense was committed, and that is:

1. On a person's own recognizance; or
2. For the purpose of entering a pretrial release program, a pretrial release and diversion program, or a pretrial intervention and diversion program.

This legislation also expands the definition of a bail restricted offense to include the following crimes:

1. Burglary;
2. Entering an automobile or other mobile vehicle with the intent to commit theft or felony;
3. Stalking; and
4. A misdemeanor offense of crimes involving family violence, as defined in Code Section 19-13-1, or stalking.

Current law authorizes elected judges and judges sitting by designation to issue an unsecured judicial release for persons not charged with a bail restricted offense. This legislation clarifies this provision by also including appointed judges fulfilling a vacancy of an elected judge.

Senate Bill 198

Department of Public Safety

Sponsors: Senator Harper of the 7th and Representative Lumsden of the 12th

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 217)

Current law authorizes the Board of Public Safety to provide for a subsistence and per diem allowance for certain Department of Public Safety (DPS) personnel. The Board is also authorized to grant incentive pay to personnel who have obtained degrees or certificates from an accredited higher education institution. This incentive pay is paid according to the following schedule:

1. Completion of at least one year of degree-creditable college study consisting of the equivalent of 30 semester hours or 45 quarter hours of education: \$200.00 per year;
2. Obtaining of associate or two-year degree or certificate of completion of 60 semester hours or 90 quarter hours of education: \$400.00 per year; and
3. Obtaining of a bachelor's or four-year degree: \$800.00 per year.

This bill transfers this authority from the Board of Public Safety to the Commissioner of Public Safety. Additionally, the graduated incentive pay schedule is replaced by giving the Commissioner general authorization to grant a salary increase to those sworn DPS employees and communications officers who have obtained degrees related to law enforcement, as long as both the course of instruction and the institution are specifically approved by the Commissioner. Finally, this legislation removes the current authorization for officers and troopers to receive a legal award offered for the apprehension of any criminal.

House Bill 43

Vehicle Registration Applications: Include Physical, Mental, or Neurological Conditions

Sponsors: Representative Cantrell of the 22nd and Senator Thompson of the 14th

Effective Date: July 1, 2021 (Signed on May 3, 2021; Act 150)

This legislation requires all application forms for registering a motor vehicle to include a space in which an applicant can voluntarily indicate that he or she, or an expected driver of the vehicle, has a physical, mental, or neurological condition that impedes their ability to communicate. This information will be made available by the Department of Revenue, or the criminal justice information system, to a law enforcement officer making a vehicle tag inquiry in the course of conducting official law enforcement business. Applicants submitting this information must also submit an affidavit that attests to the following information:

1. A description of the condition or diagnosis that impedes the ability to communicate, including whether the impediment is temporary, intermittent, or triggered by certain events; and
2. Whether the condition exists for the applicant or for an expected driver of the vehicle, including the expected driver's name.

House Bill 168

Confidential Inmate Files

Sponsors: Representative Petrea of the 166th and Senator Watson of the 1st

Effective Date: July 1, 2021 (Signed on April 21, 2021; Act 22)

Under current law, inmate files of the Department of Corrections are classified as confidential state secrets and privileged under law, unless the records are declassified by the Commissioner, the records are subject to subpoena, or when the Commissioner issues certain reports.

This bill adds an additional exception from confidentiality by allowing a district attorney of the circuit in which an inmate was sentenced for a serious violent felony or sentenced for a dangerous sexual offense against a person under 18 years of age to have access to this file for the purpose of responding to a proposed action by the Board of Pardons and Paroles. The Commissioner must furnish the records that were created on and after January 31, 2010, when requested by the district attorney, and the request must state that the records are sought for purposes of responding to the Board of Pardons and Paroles. Any record provided for under this legislation must be held in confidence by the district attorney and must not be subject to disclosure under the Open Records Act. Any person who violates this legislation, any person who causes or procures a violation of this legislation, or any person who conspires to violate this legislation will, upon conviction, be guilty of a misdemeanor.

House Bill 169

Commercial Driver's License

Sponsors: Representative Corbett of the 174th and Senator Albers of the 56th

Effective Date: July 1, 2021; Portions relating to new driver training apply to CDLs issued on or after January 1, 2022. (Signed on May 4, 2021; Act 180)

This bill requires commercial driver's license (CDL) applicants to complete a commercial driver training course which complies with 49 C.F.R. Parts 383 and 384, related to commercial driver's license standards, and state compliance with commercial driver's license programs, respectively. This bill also extends the time in which a CDL instruction permit is valid from the current 180-day period to 365 days. The instruction permit cannot be renewed after 365 days and the permit holder must upgrade to a CDL or submit a new application, pay the required fees, and retake the required knowledge and skills tests to obtain another commercial driver's instruction permit.

House Bill 179

Support Our Troops Special License Plate; Fight against Cancer Special Plate; Redesigning of the Breast Cancer Awareness Plate

Sponsors: Representative Camp of the 131st and Senator McNeill of the 3rd

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 242)

This legislation creates the Support Our Troops License Plate and the Fight against Cancer Plate. It also redesigns the Breast Cancer Awareness license plate.

House Bill 207

Electronic Submission of Certain Vehicle Information to Department of Revenue

Sponsors: Representative Corbett of the 174th and Senator Albers of the 56th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 182)

This bill requires certain businesses, individuals, and entities to submit certain motor vehicle information to the Department of Revenue by electronic means only instead of by mail or by fax.

House Bill 236

Security Check by Law Enforcement of Persons Granted a Protective Order

Sponsors: Representative Neal of the 74th and Senator Robertson of the 29th

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 182)

This bill allows a person to request periodic security checks from their local law enforcement agency when a protective or restraining order has been granted. The security checks may include observation of the exterior of the person's residence and officer presence in the vicinity of their residence. If the person elects to request the periodic security checks, they must provide to the local law enforcement agency the temporary protective order and a written request for the periodic security checks for a period of up to 60 days. The security checks must occur at intervals and times in the discretion of the law enforcement agency and must continue for the duration of the order or until the request is withdrawn or the law enforcement agency determines that the person's circumstances no longer appear to require the security checks.

House Bill 255

Sexual Assault Reform Act of 2021

Sponsors: Representative Holcomb of the 81st and Senator Albers of the 56th

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 251)

Sexual Assault Protocol

Current law requires each judicial circuit to adopt a sexual assault protocol and establish a sexual assault protocol committee to ensure coordination and cooperation between all agencies involved in sexual assault cases. This bill requires each protocol committee to submit a certification of annual compliance to the Criminal Justice Coordinating Council (CJCC) by December 31st of each year. The CJCC must notify the Governor, Lieutenant Governor, Speaker, and the Chief Justice of any noncompliant judicial circuits.

Statewide Sexual Assault Kit Tracking System

This bill directs the CJCC to create and operate a statewide sexual assault kit tracking system. The statewide sexual assault kit tracking system is designed to:

1. Track the location and status of sexual assault kits throughout the criminal justice process, including the initial collection in sexual assault forensic examinations performed at medical facilities, receipt and storage at law enforcement agencies, receipt and analysis at forensic laboratories, and storage and any destruction after completion of analysis;
2. Designate sexual assault kits as unreported or reported;
3. Allow medical facilities performing the examinations, law enforcement agencies, prosecutors, the GBI, and other entities having custody of sexual assault kits to update and track the status and location of the kits;
4. Allow sexual assault victims to anonymously track or receive updates on the status of their kits; and
5. Use electronic technologies allowing continuous access.

FBI's Violent Criminal Apprehension Program Database

This bill also directs each law enforcement agency to enter information into the FBI's Violent Criminal Apprehension Program database whenever the law enforcement agency is investigating:

1. A homicide or attempted homicide in which the actions of the perpetrator are known or suspected to be serial in nature or are random or sexually oriented;
2. A rape, aggravated sodomy, or aggravated assault with the intent to rape in which the actions of the perpetrator are known or suspected to be serial in nature or in which the assault was committed by a stranger;
3. A missing person case in which the circumstances indicate a strong possibility of foul play; or
4. A case involving unidentified human remains from a known or suspected homicide.

The information must include the following, if available:

1. The name and date of birth of the alleged perpetrator;
2. The specific crime being investigated;
3. A description of the manner in which the crime was committed, including any pattern of conduct occurring during the course of multiple crimes suspected to have been committed by the alleged perpetrator; and
4. Any other information required by the FBI for inclusion in the database.

House Bill 286

Maintenance of County and City Police Force Budgets; and Payroll Deduction for Legal Representation

Sponsors: Representative Gaines of the 117th and Senator Robertson of the 29th

Effective Date: July 1, 2021 (Signed on May 7, 2021; Act 263)

This bill forbids a county or city which has an established police force from decreasing the annual budget of the police force by more than five percent of its previous year's budget, unless:

1. The actual or anticipated revenues of the county or city decrease by more than five percent, in which case, the police budget may not be decreased by a greater percentage than the overall revenue decrease; or
2. The county or city government made a one-time capital public safety facility, equipment, or software purchase or incurred a one-time legal obligation which increased the police budget by more than four percent.

Additionally, counties and cities must ensure that the police budget does not decrease by more than five percent during a rolling five year period, unless the actual or anticipated revenues of the county or city decrease by more than five percent. In such a case, the police budget may not be decreased by a greater percentage than the overall revenue decrease.

Exceptions

These restrictions do not apply if:

1. The county or city governing authority ensures an equal or greater level of law enforcement services are provided pursuant to an intergovernmental agreement;

2. The county or city is court ordered to begin providing an increased public service which necessitates budgetary adjustments; or
3. If a city or county does propose to reduce the budget of a police force by more than five percent, it must adopt the proposed budget rate at an advertised public meeting.

Additionally, these restrictions do not apply to a police force employing less than 25 law enforcement officers.

Payroll Deduction for Legal Representation

This bill also requires counties and cities that currently provide electronic payroll deposits to employees to also provide payroll deductions for any full-time or part-time public safety employee who requests a deduction for the purposes of purchasing insurance that provides him or her with legal representation during all civil, administrative, or criminal actions caused as a result of his or her role as a public safety employee.

House Bill 353

Overtaking and Passing Bicycles

Sponsors: Representative Jones of the 25th and Senator Albers of the 56th

Effective Date: July 1, 2021 and Applies To Offenses Committed on or after that Date (Signed on May 4, 2021; Act 221)

Current law requires motor vehicles to maintain a distance of at least three feet when overtaking and passing a bicycle proceeding in the same direction on a roadway. This legislation repeals this requirement and instead requires a motor vehicle overtaking and passing a bicycle to approach the bicycle with due caution and proceed as follows:

1. Make a lane change into a lane not adjacent to the bicycle if possible in the existing road and traffic conditions; or
2. If a lane change is not possible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions. The speed must be at least ten miles per hour less than the posted speed limit or 25 miles per hour, whichever is more, and proceed around the bicycle with at least three feet between the vehicle and the bicycle at all times.

A violation of this legislation is a misdemeanor punishable by a fine of up to \$250.00.

House Bill 364

Armed Guards: POST Certified

Sponsors: Representative Collins of the 68th and Senator Robertson of the 29th

Effective Date: July 1, 2021 (Signed on May 3, 2021; Act 153)

O.C.G.A. § 43-38-7 authorizes businesses to employ armed agents, guards, watchmen, or patrolmen, provided that such employees meet the requirements and qualifications for licensure set forth in current law. Among the requirements, such individuals must not have a felony conviction, must not have committed an act constituting dishonesty or fraud, and must complete pre-licensure training mandated by the Georgia Board of Private Detective and Security Agencies.

This bill authorizes potential licensees currently certified by Georgia Peace Officer Standards and Training Council (POST) as having successfully completed basic training for peace officers, to serve as a guard, watchman, or patrolman provided that an application to be licensed by the Board is submitted no later than 60 days from the start of employment. The Board must accept the POST certification as satisfying all requirements needed to qualify as a guard, watchman, or patrolman and such individual may serve in those capacities during any period of time awaiting a decision of the Board to grant or deny a license.

House Bill 367

Controlled Substances Schedule Update

Sponsors: Representative Parrish of the 158th and Senator Burke of the 11th

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 191)

This legislation represents the annual update to the state's Drug Schedules by adding and removing several drugs and substances to the state Drug Schedules.

House Bill 453

Firefighter License Tag

Sponsors: Representative McDonald of the 26th and Senator Albers of the 56th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 194)

This bill requires that a list of employed, volunteer, and retired firefighters be provided to each county tag agent for the purpose of issuing a firefighter's license plate for private passenger vehicles. This bill also clarifies that the firefighter's tag can be used on any private passenger vehicle as long as such vehicle is used for transportation purposes unrelated to the owner's role as a firefighter.

House Bill 466

Driver Training

Sponsors: Representative Powell of the 32nd and Senator Robertson of the 29th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 196)

This bill makes numerous changes, both clarifying and substantive, to driver's training courses and schools. The bill's substantive changes are:

- Requires all drivers under 18 years of age to complete 30 hours of classroom/online instruction. Current law only requires this for drivers under 17 years of age;
- Allows for in-class driver training courses provided by in-person instruction to be conducted remotely;
- Directs DDS to authorize driver training schools that have administered the on-the-road driving test for at least five years to administer the on-the road driving test to any applicant 17 years of age or older. However, any driver training school that has administered the on-the-road driving test for at least two years as of January 1, 2021, will be authorized to administer the on-the road driving test to any applicant 17 years of age or older;
- Allows a military service member 17 years of age or older, who has not held a Class D license for at least 12 months, to be eligible for a Class C license if such member provides proof of military enlistment and meets all other qualifications for a Class C license;
- Authorizes DDS to issue a special license to the instructor of any driver training school authorizing the instructor to teach a defensive driving course at an approved driver improvement clinic if such instructor is qualified to teach a driver education training course for new drivers and the instructor certifies to DDS that he or she has provided at least 300 hours of behind-the-wheel training in a driver education training course;
- Authorizes DDS to issue a special license to the instructor of any driver training school authorizing the instructor to serve as a driver's license examiner and conduct tests required for issuance of a driver's license if such instructor has held his or her license with a driver training school for at least six months and certifies to DDS that he or she has provided at least 500 hours of behind-the-wheel training; and
- Requires driver training schools to notify DDS within 30 days whenever there is a change in ownership.

House Bill 495

Sexual Offender Registration Review Board

Sponsors: Representative Crowe of the 110th and Senator Robertson of the 29th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 199)

Under current law, the GBI provides summarized criminal history record information to the Sexual Offender Registration Review Board. This bill transfers this responsibility from GBI to the Sexual Offender Registration Review Board.

House Bill 579

Public Safety and Judicial Facilities Authorities

Sponsors: Representative Oliver of the 82nd and Senator Jones of the 10th

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 279)

This bill repeals the requirement for a countywide referendum when a public safety and judicial facilities authority wishes to issue bonds. It also renames the War on Terrorism Local Assistance Act to the Public Safety and Judicial Facilities Act.

House Bill 631

Logan's List

Sponsors: Representative Cheokas of the 138th and Senator Albers of the 56th

Effective Date: July 1, 2021 (Signed on May 3, 2021; Act 143)

This bill requires the Georgia Emergency Communications Authority to provide assistance to local 9-1-1 systems in establishing a process, to be known as Logan's List, which identifies individuals having a physical, mental, or neurological condition that impedes their ability to communicate with a first responder.

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REGULATED INDUSTRIES AND UTILITIES

Senate Bill 145

Local Authorization for the Sale of Distilled Spirits: Additional Method of Initiating Referendum, Change in Setting Date of Referendum Election

Sponsor: Senator Brass of the 28th and Representative Ballinger of the 23rd

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 212)

For referendum elections authorizing the issuance of licenses for the package sale of distilled spirits, the bill changes the percentage of registered and qualified voters necessary for the referendum petition from 35 percent to 20 percent and allows for an ordinance or resolution from a governing authority of a municipality or county to initiate a referendum election. It also conforms the dates of a referendum election to match how dates are set for special elections.

Senate Bill 236

Mixed Drinks for Consumption Off-Premises; Allow for Sale by Food Service Establishment Licensed to Sell Distilled Spirits

Sponsor: Senator Brass of the 28th and Representative Carpenter of the 4th

Effective Date: Upon Governor's Approval (Signed on May 5, 2021; Act 227)

The bill authorizes the sale of mixed drinks containing less than 3 oz. of distilled spirits for off-premises consumption by any food service establishment licensed to sell distilled spirits for consumption on the premises. The bill further provides restrictions for transporting mixed drinks for off-premises consumption, for taxes on those mixed drinks, and for rules and regulations by the Commission of the Department of Revenue.

The drinks must be in an "approved container", meaning a tamper evident container that (a) does not contain opening or straw holes; (b) is sealed in a manner that is visibly apparent if the container has been subsequently opened or tampered with; and (c) has an affixed label or marking that identifies the licensee that prepared and sold the mixed drink.

The bill also requires that the drinks sold be for personal use and not for resale. The bill prohibits delivery services and third-party agents from delivering mixed drinks with food.

House Bill 124

Cremation Devices and Certain Requirements for Crematories

Sponsor: Representative Williams of the 145th and Senator Anivitarte of the 31st

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 176)

The bill provides a definition for “cremation device” and incorporates it into the applicable code, replacing the term “retort” in Code sections relating to identification tags on dead bodies at a crematory and requirements for crematories.

While a retort is simply a furnace where dead human bodies are cremated, a cremation device includes retorts, vats, or containers in which dead human bodies are cremated by flame, alkaline hydrolysis, or other means approved by the State Board of Funeral Directors.

The bill adds that rules and regulations promulgated by the board may include inspection of any retort by the manufacturer or other authorized crematory repair company once every five years to ensure proper operations.

House Bill 150

Prohibit Governmental Policy from Banning Connections, Reconnections, or Sales of Energy Sources Based on the Type or Source of the Fuel or Energy

Sponsor: Representative Williamson of the 115th and Senator Kennedy of the 18th

Effective Date: Upon Governor's Approval (Signed on May 6, 2021; Act 254)

The bill provides that no governmental entity of this state can adopt any policy that would ban, based on the type or source of the energy or fuel to be delivered:

- (1) the connection or reconnection of an electric utility, gas company, or natural, manufactured, or liquefied petroleum gas;
- (2) sales of liquefied petroleum gas, or
- (3) sales of other liquefied petroleum products.

The bill defines “governmental entity” to mean: (1) any municipality, public corporation, political subdivision, instrumentality, body politic, authority, district, consolidated government, county, or any board, commission, agency, department, or board of any such entity; (2) state board, commission, agency, department or board; or (3) other form of government.

The bill states that nothing in this new Code section will limit the ability of the governmental entity to choose utility services for properties owned by that entity.

House Bill 273

Sale of Distilled Spirits on the Distiller's Licensed Premises for Personal Use; Sale of Malt Beverages on Licensed Premises for Personal Use; Transfer of Malt Beverage between Licensed Premises of Common Ownership

Sponsor: Representative Ballinger of the 23rd and Senator Brass of the 28th

Effective Date: Upon Governor's Approval (Signed on May 5, 2021; Act 226)

The bill allows for a limited exception to the three-tier distribution and sale system of distilled spirits by allowing anyone with a license to manufacture distilled spirits in Georgia to also sell up to 750 barrels of distilled spirits per calendar year to individuals on such distiller's licensed premises subject to certain terms and conditions. Additionally, the bill requires that each distiller file a report with the Department of Revenue every calendar quarter documenting retail sales and on-site production volume of the distiller at each licensed premises. It also sets restrictions on dates and times of sales, requires the distiller to remit all state and local sales, use, and excise taxes to the proper tax collecting authority, and requires the Commissioner of Revenue to promulgate and enforce rules and regulations to effectuate the Code section.

The bill also allows for the sale of malt beverages for personal use upon on a brewer's licensed premise. Additionally, the bill allows a brewer's licensed premises under common ownership to sell beverages produced at other locations. It raises the maximum amount a brewer can sell on premises from 3,000

barrels annually to 6,000 barrels annually, and allows for the transfer of liquid between brewer's licensed premises under certain circumstances.

House Bill 392

Alcohol Sales for Consumption Off-Premises; Distance from Schools Ground Determined by Local Governing Authority; In-Room Service of Alcohol in Unbroken Packages; Hotel and Motels Sales of Distilled Spirits Sold By The Package

Sponsor: Representative Ridley of the 6th and Senator Mullis of the 53rd

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 192)

The bill provides for the retail sale of packages of wine and malt beverages for consumption off the premises for licensees who are subject to regulation as to distance from school grounds by counties and municipalities. It also amends a grocery store exception relating to the sale of wine and malt beverages for consumption off the premise and the required distance from school grounds.

The bill also removes the requirement that in-room service of alcohol must be in unbroken packages.

House Bill 410

Bingo; Transfer Authority from Georgia Bureau of Investigation to the Secretary of State

Sponsor: Representative Lumsden of the 12th and Senator Robertson of the 29th

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 193)

This bill transfers authority over bingo games from the Director of the GBI to the Secretary of State on July 1, 2021.

House Bill 480

Registered Interior Designers; Materialmen's and Mechanics Liens; Incorporated into Current Law Concerning Real Estate; Real Estate Broker's License Qualifications

Sponsor: Representative Washburn of the 141st and Senator Anderson of the 24th

Effective Date: Upon Governor's Approval (Signed on May 10, 2021; Act 277)

The bill provides for the incorporation of Registered Interior Designers, who furnish plans, drawings, designs, or other interior design services on or with respect to any real estate, into the Code Section concerning Materialmen's and Mechanics Liens. It does so by providing for the creation, declaration, amendment, notice, and priority of liens. The bill also provides for the commencement of actions and limitations on the liens. Lastly, it provides for preliminary notices of liens and for rights as to liens of partnerships, corporations, and associations made up of or employing registered interior designers.

The bill also establishes that a person applying for a real estate broker's license must have achieved active status of either (1) a salesperson's license for at least the 3-5 years immediately preceding the filing or (2) a broker's license for at least five years.

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RETIREMENT

House Bill 173

ERS Board of Trustees; Alternative Investments by Large Retirement Systems

Sponsors: Representative Benton of the 31st and Senator Hufstetler of the 52nd

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 271)

Under current Georgia law, the board of trustees administering the Employees' Retirement System of Georgia is comprised of seven members. Four of those trustees (the state auditor, the state treasurer, the commissioner of administrative services, and one member appointed by the Governor) are tasked with electing two trustees with at least five years of creditable service with an agency included in the retirement system. This bill requires that, in electing the two trustees, the four electing trustees must consider any individuals nominated by any organization of state retirees consisting of at least 1,000 members. Additionally, current law provides that alternative investments by an eligible large retirement system must not in the aggregate exceed 5 percent of the eligible large retirement system's assets at any time. This bill increases the general maximum percentage to 10 percent, with the exception of alternative investments by the Teachers' Retirement System of Georgia and the

Employees' Retirement System of Georgia, which must not in the aggregate exceed 5 percent of such system's assets at any time. [\[Return to Table of Contents\]](#)

RULES

Senate Bill 221

Leadership Committees: Creation, Authority, and Required Reporting of Campaign Contributions and Expenditures

Sponsors: Senator Mullis of the 53rd and Representative Kelley of the 16th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 219)

This bill amends Article 2 of Chapter 5 of Title 21 of the O.C.G.A. relating to campaign contributions by adding a new Code section 21-5-34.2 that provides for the ethics of leadership committees in state government. "Leadership committee" is defined under the bill to mean a committee, corporation, or organization chaired by the governor, lieutenant governor, the nominee of a political party for governor or lieutenant governor selected in a primary election in the year in which he or she is nominated, or up to two political action committees designated by the majority caucus or minority caucuses of the House of Representatives, or the majority or minority caucuses of the Senate; however, no person may chair more than one leadership committee. The bill also makes clear that a leadership committee is a separate legal entity from the candidate's campaign committee and should not be considered to fall within the definition of an independent committee.

Authority of Leadership Committee. The bill authorizes the committees to:

- receive contributions from members or supporters of the leadership committee; and
- accept contributions or make expenditures for the purpose of affecting the outcome of any election or advocating for the election or defeat of any candidate, and may defray ordinary and necessary expenses incurred in connection with any candidate's campaign for elective office or a public officer's fulfillment or retention of such office.

Required Action In the Event the Chair Ceases to Hold Office. In the event a person chairing a leadership committee ceases to hold the office or loses status as a nominee of a political party for governor or lieutenant governor, such person must:

- transfer all remaining assets of the leadership committee to another leadership committee within 60 days;
- name an eligible person as the new chair of the leadership committee within 60 days; **or**
- dispose of the assets in accordance with O.C.G.A. § 21-5-33 related to the use of contributions.

Required Disclosures: Contributions, Expenditures Over \$500.00.

Under this bill, any leadership committee that accepts contributions or makes expenditures in excess of \$500.00 must register with the Georgia Government Transparency and Campaign Finance Commission no later than 10 days after the acceptance or expense of such funds and file the requisite disclosure reports. The bill also specifies that the maximum allowable contributions in current law (O.C.G.A. § 21-5-41) do not apply to contributions to a leadership committee or expenditures made by a leadership committee in support of a candidate or group of named candidates.

All communications paid for by expenditures of the leadership committee must contain a written or audio disclaimer indicating that the leadership committee paid for such communication.

Senate Resolution 11

Recognizing and Commending Georgia's Recycling Industry

Sponsor: Senator Ginn of the 47th

This resolution recognizes the Georgia Recyclers Association, the Georgia Recycling Coalition, and the Institute of Scrap Recycling Industries as important businesses and workers necessary for the production and manufacture of goods and products in Georgia and throughout the world. It further commends Georgia's recycling industry for its role during the COVID-19 pandemic in maintaining the economic viability of the supply chain for Georgia's manufacturers and their employees.

Senate Resolution 30**Appointment of Matthew Mashburn to the State Election Board****Sponsor: Senator Cowsert of the 46th**

O.C.G.A. § 21-2-30 provides that the Senate in each odd-numbered year must select by majority vote a member of the State Election Board to serve a term of two years. Such two-year term begins on the day following the adjournment of the regular session of the General Assembly in the year the member is selected.

Through this resolution, the members of the Senate appoint Matthew Mashburn to serve a term of two years beginning the day following the adjournment of the 2021 regular session.

Senate Resolution 117**Democratic Party of Clayton County and the Young Democrats of Clayton County; recognize****Sponsor: Senator Seay of the 34th**

This resolution recognizes the Democratic Party of Clayton County and the Young Democrats of Clayton County for their efforts to register, educate, and mobilize voters. It further commends the Democratic Party of Clayton County and the Young Democrats of Clayton County for their efficient, effective, and dedicated service to the State of Georgia.

Senate Resolution 125**Encouraging Equitable and Diverse Gender Representation on the Boards and in Senior Management of Georgia Companies and Institutions****Sponsor: Senator L. Jackson of the 2nd**

This resolution encourages equitable and diverse gender representation in the leadership ranks of companies and institutions in Georgia as it is essential to enhance the competitive position of this state in the global economy. It further encourages all private and public institutions doing business in this state to increase the gender diversity on their respective boards of directors and in senior management positions and to set and publish goals by which to measure their progress.

Senate Resolution 167**Commending Taiwan for its Relations with the United States and the State of Georgia****Sponsor: Senator Beach of the 21st**

This resolution commends Taiwan for its relations with the United States and the State of Georgia for being longstanding allies who both deeply cherish the common values of freedom, human rights, and the rule of law. It further commends and supports Taiwan's democracy, freedom, and meaningful participation in international organizations such as the World Health Organization, the International Civil Aviation Organization, INTERPOL, the UN Framework Convention on Climate Change, and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership. This resolution further supports the signing of a United States-Taiwan bilateral trade agreement and an educational memorandum of understanding with Georgia promoting Mandarin and English study exchanges as well as supporting a reciprocal driver's license agreement between Taiwan and Georgia.

Senate Resolution 177**Recognizing and Commending Senator Valencia Seay on Receiving the Georgia Speech-Language-Hearing Association Legislator Appreciation Award****Sponsor: Senator Seay of the 34th**

This resolution recognizes Senator Valencia Seay on receiving the Georgia Speech-Language-Hearing Association Legislator Appreciation Award. It further recognizes Senator Valencia Seay for her efficient, effective, unselfish, and dedicated public service to the state of Georgia and extends the most sincere best wishes for continued health and happiness.

Senate Resolution 190

Urging Congress to Allow Individuals to Retain the Right to Use Their Image and Likeness and Shield Them from Copyright Infringement

Sponsor: Senator Brass of the 28th

This resolution urges Congress to pass legislation to amend current federal copyright law to allow individuals to retain the right to use their image and likeness and shield them from copyright infringement.

Senate Resolution 201

Recognizing and Commending SK Innovation

Sponsor: Senator Miller of the 49th

With this resolution, the Senate recognizes and commends SK Innovation's long-term investment in Georgia and calls upon the LG Chem/Energy Solution company to work with SK Innovation to come to the table and negotiate in good faith to reach a favorable settlement to address the intellectual property issue in order to protect the United States' competitive edge in electric vehicle battery protection and supply chain and ensure the success of the Jackson County factory and the associated jobs in Georgia.

The resolution provides that SK Innovation's Georgia factory is essential for the United States to build a competitive edge in electric vehicle (EV) battery production and supply chain, and it will be able to provide EV batteries for more than 330,000 EVs a year, representing nearly a 25 percent increase in United States EV battery manufacturing capacity. Further, SK Innovation plans to invest a total of \$5 billion by 2025 to expand the facility, creating a total 6,000 high-paying jobs.

Senate Resolutions Creating Study Committees, Commissions:

- **SR 84 – Joint Study Committee on Airport Infrastructure and Improvements** (Senator Harper of the 7th)
- **SR 102 – Georgia Commission on E-Commerce and Freight Infrastructure** (Senator Gooch of the 51st)
- **SR 129 – Senate Retirement Security for Georgians Study Committee** (Senator Orrock of the 36th)
- **SR 151 – Senate Sickle Cell Anemia Study Committee** (Senator Harbison of the 15th)
- **SR 192 – Senate Age of Mandatory Education Study Committee** (Senator Payne of the 54th)
- **SR 203 – Senate Outdoor Learning Study Committee** (Senator Rahman of the 5th)
- **SR 281 – Senate Study Committee on Violence Against Health Care Workers** (Senator Miller of the 49th)
- **SR 283 – Senate Improving Access to Healthy Foods and Ending Food Deserts Study Committee** (Senator H. Jones of the 22nd)
- **SR 300 – Senate University Fees Study Committee** (Senator Harrell of the 40th)

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SCIENCE AND TECHNOLOGY

Senate Bill 210

Digital License Plates

Sponsors: Senator Robertson of the 29th; Representative Momtahan of the 17th

Effective Date: July 1, 2021 (Signed on May 3, 2021; Act 134)

This bill amends several Code sections governing motor vehicle registration and license plate design to allow the use of digital license plates on motor vehicles. The bill requires the Commissioner to promulgate rules and regulations for digital license plates before July 1, 2022, and such rules and regulations will take effect October 1, 2022.

House Bill 98

Public Teleconference Meetings by State, Local Agencies When Emergency Conditions Exist

Sponsors: Representative Lumsden of the 12th; Senator Dolezal of the 27th

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 171)

This bill amends state law relating to public meetings held by government agencies of the state and all local governments during a time when emergency conditions exist. Current law allows agencies and their committees to meet by teleconference when emergency conditions exist involving public safety or the preservation of property or public services. This bill requires that participation by teleconference during such emergency conditions must be in the same manner as if the members of the agency or committee were physically present. If the meeting is a public hearing, the public must be afforded the means to participate fully.

House Bill 134

Limiting Public Meetings and Disclosures relating to Cybersecurity Matters

Sponsors: Representative Victor Anderson of the 10th; Senator Hatchett of the 50th

Effective Date: Upon Governor's Approval (Signed on April 29, 2021; Act 35)

Current law generally provides that all meetings of any governing body of any agency in this state must be open to the public. There are exceptions to this open meetings law for purposes defined by statute for which a closed-door executive session is deemed necessary. This bill adds another exception to the open meetings law for discussing or deliberating matters related to cybersecurity plans, procedures, and contracts. Additionally, concerning open records, this bill provides that any document or plan relating to cybersecurity designed to protect computer, information technology, or communication systems against terrorist or other attacks that depends for its effectiveness upon a lack of general public knowledge is not subject to public disclosure.

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SPECIAL JUDICIARY

House Bill 97

Oath for Chief Clerk or Designated Clerk of the Probate Court

Sponsors: Representative Leverett of the 334rd and Senator Hatchett of the 50th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 170)

Under current law, the chief clerk of a probate judge or, if there is no chief clerk, a clerk designated by the judge may exercise all the jurisdiction of the judge of the probate court concerning uncontested matters in the probate court, regardless of whether the probate court judge is present. This bill requires such a clerk to take a specific oath of office as set forth in the bill. This oath must be taken by the individual prior to discharging his or her duties, the oath must be administered by the probate court judge, and the taking of the oath must be recorded in the minutes of the probate court.

House Bill 354

Revises Code Section Regarding the Authority of the State Board of Funeral Service and the State Board of Cemeterians; Requires these Boards to Report Suspected Criminal Activity to the Sheriff and the Attorney General; Requires the Attorney General to Conduct a Review and Provide Information to Appropriate Prosecuting Attorney

Sponsors: Representative R. Williams of the 145th and Senator Burns of the 23rd

Effective Date: Upon the Governor's Approval (Signed on May 4, 2021; Act 189)

This bill adds a new Code section relating to the State Board of Cemeterians, and a new Code section relating to the State Board of Funeral Service, to provide that any complaints received by these Boards respectively will be investigated within 30 days of receipt. If the investigation shows that there may be a violation of Code Section 10-14-17 (unlawful acts relating to cemetery and funeral services) or Code Section 10-14-18 (duties of registrants offering to provide burial rights, burial or funeral merchandise, or burial or funeral service) or a felony violation of state or federal criminal law, there will be an affirmative obligation on behalf of the Board to provide notice of those potential illegalities within seven days to the Attorney General's office and to the sheriff's office in the county in which any of the illegalities are believed to have occurred in whole or in part. The bill provides that, upon receiving such a notification, the Attorney General will within a reasonable time period not to exceed 60 days conduct a review of the complaint and provide the appropriate prosecuting attorney within any jurisdiction in which any illegalities are believed to have occurred, in whole or in part, with the relevant information uncovered during the course of the investigation that the prosecuting attorney requests. This bill also revises Code Section 10-14-3.1, relating to the authority of the State Board of Funeral Service, the State Board of Cemeterians, and the Secretary of State. [\[Return to Table of Contents\]](#)

STATE AND LOCAL GOVERNMENTAL OPERATIONS

Senate Bill 49

Completion of Regulatory Services by Private Providers

Sponsors: Senator Dixon of the 45th; Representative Bonner of the 72nd

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 165)

Current Georgia law provides that an applicant for regulatory services may hire a private provider to perform their requested plan review or inspection services if the local county or city is unable to provide either a plan review within 30 days of receipt of the completed application, or inspection services within 2 days of receipt of the completed application. This bill states that an applicant may hire a private provider regardless of whether the county or city can provide the requested regulatory services within the above-stated time frames. This bill removes the requirement that the applicant pay a convenience fee, not to exceed their total regulatory fees, to the county or city prior to hiring a private provider. However, if an applicant chooses to use a private provider, the applicant is still required to pay to the governing authority the convenience fee or the regulatory fee, or both, as applicable.

Currently, Georgia law allows a private provider to perform any plan review or inspection required by the governing authority provided it comes within the scope of the private provider's area of competency. This bill states if the private provider is a qualified inspector, he or she may only perform

a plan review or inspection within the area he or she has certification, licensure, or training as provided for by O.C.G.A. § 8-2-26.1.

Senate Bill 182

Fence Detection Systems

Sponsors: Senator Robertson of the 29th; Representative Gullett of the 19th

Effective Date: July 1, 2021 (Signed on May 3, 2021; Act 147)

This bill mandates that each county, government, and municipal corporation treat fence detection systems in all zoning and permitting matters as alarm systems as defined in Code Section 43-14-2, and not prohibit the installation or use of fence detection systems as defined in this bill.

This bill defines a fence detection system as a new or existing alarm or electronic security system that interfaces with a monitored alarm device in a manner that enables the security system to transmit a signal intended to summon law enforcement or the property owner in response. The bill provides specifications for such alarm system.

House Bill 129

Minimum Annual Salary for Sheriffs in Counties with Populations of 39,000 to 49,999

Sponsors: Representative Watson of the 172nd; Senator L. Anderson of the 24th.

Effective Date: Upon Governor's Approval (Signed on April 1, 2021; Act 10)

Current Georgia law fixes the minimum annual salary of each sheriff in the state according to the population of the county he or she serves. The minimum annual salary for a sheriff who serves in a county with a population of 39,000 – 49,999 is \$79,762.39. This bill increases the minimum annual salary for a sheriff whose county has a population of 39,000 – 49,999 to \$83,750.51.

House Bill 459

Municipal Annexation of the Location of a Public County Airport

Sponsors: Representative Martin of the 49th; Senator Albers of the 56th

Effective Date: Upon Governor's Approval (Signed on May 10, 2021; Act 276)

This bill forbids any municipality containing more than 85 square miles within its corporate limits from annexing any territory where a public county airport operates unless the county governing authority adopts a resolution approving the annexation within 90 days prior to the municipality voting on the annexation.

House Bill 488

Minimum Compensation and Annual Salary of Magistrate Judges and Magistrate Clerks

Sponsors: Representative Scoggins of the 14th; Senator Payne of the 54th

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 198)

This bill increases the minimum compensation and salary for these positions other than probate judges serving as magistrates by 21.6 percent. Under this bill, the minimum compensation for a probate judge serving as a magistrate increases by 7.1 percent.

Further, this bill states that in regards to magistrate, other than probate judges serving as magistrates, any cost-of-living increases or general performance based increases applied before July 1, 2022 have been included in all minimum salary calculations. Following July 1, 2022, any new cost-of-living increases or general performance based increases shall be calculated as provided by current law.

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STATE INSTITUTIONS AND PROPERTY

Senate Bill 140

Monument Commemorating the Honorable Zell Bryan Miller

Sponsors: Senator Mullis of the 53rd; Representative Ralston of the 7th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 209)

This bill adds a new article to Chapter 3 of Title 50, relating to the state flag, seal, and other symbols, which states that a monument commemorating the Honorable Zell Bryan Miller must be placed within the capitol building or grounds, subject to the availability of funding. The monument must be designed, procured, and placed by the Capitol Art Standards Commission, and is subject to final approval by a monument committee composed of (1) two members of the House, appointed by the Speaker, (2) two members of the Senate, appointed by the Lieutenant Governor, and (3) one member from each house of the General Assembly, appointed by the Governor. This monument committee dissolves upon placement of the monument.

Funding for the monument must not come from public funds. Instead, the Capitol Art Standards Commission must accept gifts and donations from private individuals, organizations, or foundations. The monument must be placed as soon as possible, but not before the state grants an intellectual property license.

House Resolution 142

Lease and Conveyance of State-Owned Real Property

Sponsors: Representative Greene of the 151st; Senator Brass of the 28th

Effective Date: Upon Governor's Approval (Signed on May 10, 2021; Act 297)

This resolution authorizes the lease or conveyance of state-owned real property in Baldwin, Columbia, Decatur, Fulton, and Hall Counties. This resolution gives the legal description of each property being sold or leased, as well as authorized consideration amounts for each transaction.

House Resolution 143

Authorization of Easements on State-Owned Property

Sponsors: Representative Greene of the 151st; Senator Brass of the 28th

Effective Date: Upon Governor's Approval (Signed on May 10, 2021; Act 298)

This resolution authorizes the grant of non-exclusive easements in state-owned property located in Barrow, Bartow, Bibb, Camden, Chatham, Glynn, Harris, Macon, Montgomery, Murray, Paulding, Polk, Rabun, Talbot, Troup, Walton, Ware, and Washington Counties. These easements will be used for the construction, operation, and maintenance of facilities, utilities, roads, and any ingress and egress within property owned by the state.

This resolution describes, in detail, the property being affected, the easement being authorized, the intended recipient of the easement, and various terms for each easement. [*\[Return to Table of Contents\]*](#)

TRANSPORTATION

Senate Bill 165

Reflectors and Strobe Lights on Certain Slow Moving Vehicles; Alternative Fueled Low-Speed Vehicle Registration Fee; and Fully Autonomous Vehicle Exemption

Sponsors: Senator Gooch of the 51st and Representative Hogan of the 179th

Effective Date: July 1, 2021 and Applicable to all Vehicle Registrations on or after that Date (Signed on May 4, 2021; Act 214)

This bill allows slow moving farming vehicles and trailers, as well as low-speed vehicles, to choose to display either a reflective emblem or a strobe light on the rear of the vehicle. Additionally, this bill reduces the registration fee for alternative fueled low-speed vehicles from \$200.00 to \$100.00. This bill also exempts fully autonomous vehicles that are designed to be operated exclusively by an automated driving system, from provisions in the motor vehicle code relating to human-operated vehicles that are not relevant to the operation of automated driving systems, unless required under federal law.

Senate Resolution 39

Road and Bridge Dedications

Sponsors: Senator Dixon of the 45th and Representative Jasperse of the 11th

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 301)

This resolution represents the Senate's annual road and bridge dedications.

Senator Resolution 102

Georgia Commission on E-Commerce and Freight Infrastructure Funding

Sponsors: Senator Gooch of the 51st and Representative Jasperse of the 11th

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 303)

This bill creates the Georgia Commission on E-Commerce and Freight Infrastructure Funding to study the best course of action with regard to funding and policy development relating to freight and logistics. The Commission will be composed of 14 members appointed by the Senate President and Speaker of the House. The Commission stands abolished on December 31, 2021.

House Bill 165

Mounted Electronic Devices on Windshields

Sponsors: Representative Barr of the 103rd and Senator Robertson of the 29th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 179)

Current law prohibits motor vehicles from being driven with any sign, poster, or other nontransparent material upon their front windshield, side windows, or rear windows which obstructs the driver's clear view. This bill allows a person to operate a motor vehicle with a smartphone or stand-alone electronic device mounted upon the front windshield. The mounted device must be located on the windshield in a manner that minimizes obstruction of the driver's view and must not violate any federal regulation related to the operation of commercial motor vehicles.

House Bill 174

Commercial Vehicle and Motor Carrier Regulations

Sponsors: Representative Wiedower of the 119th and Senator Jones of the 25th

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 232)

This legislation represents the state's annual adoption of the federal regulations relating to the safe operation of commercial motor vehicles and carriers found in Title 49 of the Code of Federal Regulations as they exist on January 1, 2021.

House Bill 210

Certificates of Title: Record Vehicle Mileage for up to 20 Years

Sponsors: Representative Corbett of the 174th and Senator Jones of the 25th

Effective Date: July 1, 2021 (Signed on May 10, 2021; Act 272)

Current law requires motor vehicles that are ten model years old or less and having a gross vehicle weight rating of 16,000 pounds or less to disclose their odometer mileage on certificates of title at the time of sale or transfer. This bill extends this 10 year requirement to 20 years, for vehicles manufactured in or after the 2011 model year and weighing 16,000 pounds or less.

House Bill 577

Transportation: Road Construction and Contracting

Sponsors: Representative Carpenter of the 4th and Senator Gooch of the 51st

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 241)

This bill makes various changes in the Code related to transportation projects, contracting, and oversight. The most significant changes include:

- Directing the DNR Board to issue rules for certain variances related to road construction and maintenance;
- Clarifying that a proposal guaranty is only required for bids on capital construction and capital maintenance contracts;
- Authorizing GDOT to utilize an alternative contracting method for project delivery;
- Authorizing GDOT to issue cease and desist orders to unlicensed airports;
- Clarifying the validation process for State Road and Tollway Authority conduit bonds; and

- Requiring proper signage when a speed limit in an urban or residential district is set under 30 mph.

House Resolution 119

Senator Johnny Isakson Bridge

Sponsors: Representative Ralston of the 7th and Senator Mullis of the 53rd

Effective Date: July 1, 2021 (Signed on May 6, 2021; Act 238)

This resolution dedicates the bridge on State Route 307 over the Georgia Ports Authority Mega Rail Site in Chatham County as the Senator Johnny Isakson Bridge.

House Resolution 144

Road and Bridge Dedications

Sponsors: Representative Williams of the 145th and Senator Dixon of the 45th

Effective Date: Upon Governor's Approval (Signed on May 10, 2021; Act 299)

This resolution represents the House's annual road and bridge dedications.

House Resolution 282

Sydney Grace Jones Memorial Intersection

Sponsors: Representative Gunter of the 8th and Senator Gooch of the 51st

Effective Date: July 1, 2021 (Signed on April 29, 2021; Act 42)

This resolution dedicates the intersection of State Route 515 and State Route 325 in Union County as the Sydney Grace Jones Memorial Intersection.

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VETERANS, MILITARY, AND HOMELAND SECURITY

Senate Bill 27

Occupation Licenses for Veterans

Sponsors: Senator Thompson of the 14th and Representative Clark of the 147th

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 206)

This bill extends the time period in which a current or former service member must apply for the issuance of a license as an Electrical Contractor Class I, Journeyman Plumber, Conditioned Air Contractor Class I, or Utility Foreman, using his or her military specialty or certification to qualify, from 180 days to two years. The bill also authorizes the State Construction Industry Licensing Board to extend the two-year period for a license by rule or regulation, or may extend the two-year period for an individual applicant under certain circumstances, such as hospitalization, or other related emergencies or exigencies, which prevented the service member from submitting an application in a timely manner.

Senate Bill 225

Allied Veteran License Plate

Sponsors: Senator Harbison of the 15th and Representative Hitchens of the 161st

Effective Date: July 1, 2021 (Signed on May 3, 2021; Act 145)

This legislation creates a special veterans license plate for an individual who served in the armed forces of an ally of the United States during active military combat in the Korean War, the Vietnam War, Operation Desert Storm, or the Global War on Terrorism and who is discharged or separated under conditions other than dishonorable.

Senate Bill 237

National Ranger Memorial Foundation Special License Plate

Sponsors: Senator Harbison of the 15th and Representative Hitchens of the 161st

Effective Date: July 1, 2021 (Signed on May 5, 2021; Act 222)

This bill creates a special license plate supporting members of the United States Army Rangers. The funds raised by the sale of this special license plate will be disbursed to the National Ranger Memorial Foundation, Inc.

House Bill 105

National Guard Pay

Sponsors: Representative Clark of the 147th and Senator Walker of the 20th

Effective Date: Upon Governor's Approval (Signed on May 4, 2021; Act 172)

Under current law, members of the National Guard who are activated by the Governor during a declared state of emergency receive the same pay and allowances as members of the active armed forces of the United States. This bill expands this pay provision to include instances in which the Governor requests individual members of the National Guard to voluntarily report for duty without first having declared an emergency pursuant to Code Section 38-2-6.1.

House Bill 106

Georgia State Indemnification Program: State Defense Force

Sponsors: Representative Clark of the 147th and Senator Thompson of the 14th

Effective Date: July 1, 2021 (Signed on May 4, 2021; Act 173)

This legislation extends coverage under the Georgia State Indemnification Program to members of the State Defense Force. The Indemnification Program provides a financial benefit for designated public safety personnel, including the Georgia National Guard, who are disabled or killed in-the-line of duty.

House Bill 156

Mandatory Reporting of Cyberattacks by Governments and Utilities; and Authorizes the Governor to enter into agreements with Military Installations in Georgia to Enhance STEM and Cybersecurity Education and Job Placement

Sponsors: Representative Parsons of the 44th and Senator Kirkpatrick of the 32nd

Effective Date: Upon Governor's Approval (Signed March 25, 2021; Act 8)

This bill requires state and local governments and public utilities to report to GEMA any cyberattack, breach, or identified use of malware upon their computers or networks. This bill also authorizes the Governor to enter into a memorandum of agreement with one or more of the major military installations in Georgia if he or she determines that it would substantially enhance the education or job placement of Georgians in the areas of STEM, or cybersecurity. However, any state expenditures provided for in such an agreement must be subject to appropriations.

House Bill 208

National Swearing-in Commitment Day

Representative Cheokas of the 138th and Senator Mullis of the 53rd

Effective Date: July 1, 2021 (Signed on May 3, 2021; Act 142)

This bill designates the second Wednesday of February of each year as "National Swearing-in Commitment Day" in Georgia to acknowledge and support those who join and start a career defending the nation on the local, state, and national levels.

House Bill 338

Veterans' Driver's License

Sponsors: Representative DeLoach of the 167th and Senator McNeill of the 3rd

Effective Date: July 1, 2021 (Signed on April 21, 2021; Act 23)

This bill clarifies who may qualify for a veterans' driver's license to:

1. Veterans who are Georgia residents at the time of application for the license, who served in the active military, naval, or air service, and who were discharged or released under conditions other than dishonorable;
2. All current and former members of the Guard or Reserves who served on active duty or who have 20 or more years of creditable service; and
3. Veterans who are U.S. citizens and Georgia residents, and who served on active duty in the military of a U.S. ally during a conflict when personnel were committed by the U.S. President.

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VETOED LEGISLATION

One general bill, SB 156, was vetoed by Governor Brian Kemp on May 10, 2021. The formal veto message and signing statements for other legislation are available on the governor's website under [2021 Veto Messages and Signing Statements](#).

Senate Bill 156

Creation of the Chief Labor Officer

Sponsors: Senator Harbin of the 16th; Representative Kirby of the 114th

Effective Date: Upon Governor's Approval

This bill creates the role of Chief Labor Officer ("CLO") within the Georgia Department of Labor to provide timely reports and responses to any financial audits of the Department of Labor and any inquiries from the Speaker of the House of Representatives, the Lieutenant Governor, the President Pro Tempore of the Senate, and the chairs of the House and Senate Committees on Appropriations. The CLO is appointed by the Speaker of the House, subject to confirmation by the Senate Committee on Government Oversight. The provisions providing for a CLO will stand repealed on December 31, 2022. Additionally, the bill requires that every Monday, the Labor Commissioner must submit to certain members of the General Assembly a report specifying claims for unemployment compensation benefits for the week prior and for the calendar year to date. The bill grants members of the General Assembly access to information and records that are otherwise private and confidential for the purpose of assisting individual constituents with issues they are experiencing with claims for unemployment compensation.